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TABLE OF CONTENTS

Isaiah 52.5 and the Profanation of the Name Sheldon H. Blank, Hebrew Union College - Jewish Institute of Religion, Cincinnati.....	1
Hosea's Marriage and Message: A New Approach Robert Gordis, Jewish Theological Seminary of America and Columbia University.....	9
The Position of Chapter Six in the Book of Isaiah Leon J. Liebreich, Gratz College, Philadelphia.....	37
The Loss of Words at the Ends of Lines in Manuscripts of Hebrew Poetry Julian Morgenstern, Hebrew Union College - Jewish Institute of Religion, Cincinnati.....	41
Studies in St. Mark's Isaiah Scroll Harry M. Orlinsky, Hebrew Union College - Jewish Institute of Religion, New York.....	85
Wie Steht Es Heute Um das Problem der Sumer. Verbalpräfixe MU-, E- (I-)? P. A. Deimel, Pontificio Istituto Biblico.....	93
Studies in Middle-Assyrian Chronology and Religion, Part II Hillel A. Fine, Hebrew Union College - Jewish Institute of Religion, Cincinnati.....	107
The Problems Inherent in Section 70 of the Bisutun Inscription Julius Lewy, Hebrew Union College - Jewish Institute of Religion, Cincinnati.....	169
Philo's Place in Judaism: A Study of Conceptions of Abraham in Jewish Literature Samuel Sandmel, Hebrew Union College - Jewish Institute of Religion, Cincinnati.....	209
The Patriarch Judah I — His Birth and His Death, a Glimpse into the Chronology of the Talmudic Period Alexander Guttman, Hebrew Union College - Jewish Institute of Religion, Cincinnati.....	239
The Status of the Labourer in Jewish Law and Society in the Tannaitic Period Joseph H. Heinemann, Jerusalem.....	263

CONTENTS

The Origin of Psalmody Eric Werner, Hebrew Union College - Jewish Institute of Religion.....	327
Old Hanukkah Lamps. <i>A Propos</i> a New Acquisition of the Jewish Museum in Cincinnati Franz Landsberger, Hebrew Union College - Jewish Institute of Religion, Cincinnati.....	347
Moses in the Philosophy of Maimonides, Spinoza, and Solomon Maimon Samuel Atlas, Hebrew Union College - Jewish Institute of Religion.....	369
מלואים לקטע ממדרש אלמוני על דברים Yehudah Ratzaby, Tel Aviv.....	א
פרקים בפולמוס האמנציפציה Nathan Rotenstreich, The Hebrew University, Jerusalem.....	א'

ISAIAH 52.5 AND THE PROFANATION OF THE NAME

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THE first part of this note is a suggestion for the improvement of the text of Isa. 52.5.¹ Essentially it is the suggestion that a couple of letters were mistaken for an abbreviation.

That the use of abbreviations has been responsible for some of the disorder in our Bible text is no new hypothesis.² Three sorts of errors involving abbreviations have been suspected: abbreviations appear a) to have passed unrecognized,³ b) to have been wrongly resolved,⁴ and c) to have been assumed where they were not intended.⁵

The last of these three types seems here to be involved. It is suggested that in Isa. 52.5b an abbreviation was assumed though none was intended — that what was in fact a pronominal suffix at the end of a verb, the first person pronominal suffix *נִי*-, was mistaken for an abbreviation and that this is why the words *נאם יהוה* occur twice in Isa. 52.5, once properly, early in the verse, and again, by mistake, later.⁶

¹ I first presented this suggestion a number of years ago when I participated in a seminar on the later chapters of Isaiah, offered by Julian Morgenstern. I believe he found the suggestion acceptable then but, to my knowledge, it is here published for the first time.

² Cf., among others, F. Perles, *Analekten zur Textkritik des alten Testaments*, Munich, 1895, pp. 4-35, and Leipzig, 1922 (Neue Folge), pp. 1-10.

³ Cf. II Kings 6.27: *יהוה אל יושיעך יהוה לא יושיעך* for an original *יהוה לא יושיעך*, cf. Perles, *op. cit.*, (1895), p. 14.

⁴ Cf. Isa. 7.10: *ויוסף ישעיהו* for an original *ויוסף ישעיהו* abbreviated *י' ויוסף*; Jer. 3.1: *הארץ האשה* for an original *הארץ האשה* abbreviated *הא'*; possibly also Jer. 33.7: *ירשאל* for an original *ירשלים*, abbreviated *ירש'* (plus metathesis).

⁵ Cf. Ex. 33.19: *בשם יהוה* for an original *בשמי יהוה*; Ex. 15.2: *וזמרת יה* for an original *וזמרתו יה*; Jer. 32.26: *אל ירמיהו* for an original *אלי ירמיהו*.

⁶ The two words are so commonly paired and of such frequent occurrence that an abbreviation may well have been current.

If this possibility is envisaged, it becomes highly probable that instead of *משלו יהלילו נאם יהוה/ותמיד כל היום שמי מנאץ* the b part of verse 5 once read, more simply:

משלו יחללוני תמיד/כל היום שמי מנאץ

"Their masters defame me constantly,
Daily my name is despised."⁷

The unsatisfactory character of the received text is apparent. In the received text the opening words, "their masters wail," introduce a thought without relevance. As soon as the "masters" are identified, how wrong the verb is becomes apparent. The masters can only be those princes and satraps that hold the Judeans in miserable captivity and the last thing we would expect of them is that they wail.⁸ The context clearly requires a different predicate. The *form* of the line is equally unsatisfactory. The phrase *ותמיד כל היום*, "and constantly, daily," is balanced by nothing in what precedes, though parallelism requires an equivalent. The meter, too, is confused.⁹

On the other hand, the proposed text is satisfactory from every point of view: metrical structure, balance or parallelism,

⁷ In addition to the error involving a supposed abbreviation, the proposal assumes that the ם is an error for an original ם and that the conjunction was subsequently added to *תמיד*.

⁸ For *משלו יהלילו* B. Duhm (*Das Buch Jesaia*, in *Handkommentar z. A.T.*, Göttingen, 1914, p. 362) would read *מְשַׁלָּךְ הַכְּלִי*, "niedergeworfen ist mein Tempel." P. Volz (*Jesaia II*, in Sellin's *Kommentar z. A.T.*, Leipzig, 1932, p. 127) suggests *מְשַׁד יְהוֹלִילוּ בְּנֵי תַמִּיד*, "wegen Gewalt heulen meine Söhne immerfort." G. E. Box (*The Book of Isaiah*, London, 1908, p. 263) reads *הִנֵּה הַנֶּה*, "behold, those who wait for me are become a byword," quoting Cheyne and Klostermann. More moderately, C. C. Torrey (*The Second Isaiah*, New York, 1928, p. 407 and 251) reads *וְהִלְלוּ* and translates "their rulers mock," citing Ps. 10.3 for the verb in this meaning. K. Elliger (*Deuterojesaja*, Stuttgart, 1933, p. 217, n. 2), also moderate, reads *יְהוֹלִלוּ*, "sie brüsten sich" and cites the Targum (*מִשְׁתַּבְּחִין*) which seems to have thought of a form of *הִלֵּל*, and Aquila, whose *παρανομοῦσιν* is also the LXX rendering of *הוֹלִלִים* in Ps. 75.5 (cf. Field, *Origenis Hexapl. II*, p. 531, n. 13).

For *משלו יהלילו* the LXX may have had a different text. *θανυμάζετε καὶ ὀλολύζετε* may point to *הַשְׁמָנוּ וְהִילִילוּ* (cf. LXX to Job 21.5).

⁹ The line could be scanned as 4/4, but only if *נאם יהוה* is included in the count, which is unlikely since earlier in the verse it stands outside the meter.

meaning and suitability in context. The line משלו יחללוני תמיד/ כל היום שמי מנאץ is a regular 3/3 line exhibiting synonymous parallelism and containing an artistic chiasm, תמיד now being balanced by כל היום at the center of the line. All of the expressions are idiomatic; they occur elsewhere. In just this fashion, for example, the synonyms תמיד and כל היום are balanced in Psalm 72.15:

“ . . . That they may pray for him continually
Daily bless him.”¹⁰

No exception can be taken to the proposed reading משלו יחללוני on grounds that God, the speaker, is here construed as the direct object of the offensive verb חלל. It is true that usually not God but “the *name* of God” is contemplated as subject to profanation. Usually, indeed, but not exclusively! God as the direct object of this verb occurs again in the received text of Ezek. 13.19: “And you (women with your magic arts) have profaned me (ותחללנה) among my people for handfuls of barley . . .” Also, not God’s name but the first person pronoun for God is the subject of the passive verb וואחל in Ezek. 22.26, which amounts to the same thing: ואחל בתוכם, “and I (not my name!) am profaned among them.”¹¹ Furthermore, according to a rabbinic tradition, אהו in Mal. 1.12 is a substitute (a חקון סופרים) for an original אחי.¹² So

¹⁰ The synonyms occur similarly balanced also at the ends of the two lines which make up the couplet in Ps. 74.22 f., a couplet which in other respects is closely related to Isa. 52.5. Compare also Prov. 5.19 and Ps. 34.2: בכל עת/תמיד; Isa. 60.11: תמיד/יום ולילה; Isa. 62.6: תמיד/לילה; Prov. 15.15: תמיד/ . . . כל ימי, and the couplet Ps. 35.27 f., where also תמיד and כל היום occur closely related.

It cannot be denied that the tautologous expression תמיד כל היום in the received text of Isa. 52.5 also appears elsewhere. As a matter of fact, it appears in the immediately preceding chapter of Isaiah: תמיד כל היום (Isa. 51.13; cf. Isa. 21.8, תמיד יום). Both suit the biblical idiom, תמיד כל היום, as well as the arrangement according to which the synonyms תמיד and כל היום occur in parallelism as here proposed.

¹¹ In v. 16 ונחלה may be an error for ונחלתי, in the same sense. Possibly with the same force should be read in Isa. 48.11 in place of יחל. For whatever it is worth, the Dead Sea Isaiah scroll published by Burrows contains the reading איחל here. Alternatives are to read למען שמי in place of the double מעני or יחל שמי in place of יחל alone.

¹² Cf. the critical apparatus to *Biblia Hebraica* 3d ed. Also A. Geiger,

restored, that phrase in Malachi reads: "But ye profane me (וַאֲתֶם מַחֲלִילִים אֹתִי) in that ye say: 'The table of the Lord is polluted . . .'" Accordingly, although, indeed, the forces that shaped the Masoretic text avoided or sought to eliminate expressions in which God was the direct object of profanation,¹³ commonly introducing circumlocutions, at least two such expressions (Ezek. 13.19 and 22.26) remained undisturbed, and one other as well (Mal. 1.12) according to the rabbinic tradition. This being so, no exception on these grounds can be taken to the reading here proposed for Isa. 52.5: מְשָׁלוּ יַחֲלֹנַי, "their masters defame me."

Nonetheless, since the cushioned idiom "to profane the name of God" occurs nearly twenty times,¹⁴ as against these four, it is, indeed, the more usual. And probably, the author of Isa. 52.5 employed the less common idiom here — said מְשָׁלוּ יַחֲלֹנַי תְּמִיד אֶת שְׁמִי and not מְשָׁלוּ יַחֲלֹלוּ תְּמִיד אֶת שְׁמִי, only because the word שְׁמִי occurs again in the parallel clause. The prophetic author would hardly have used the word twice in such proximity, would hardly have said:

Their masters constantly defame my name
Daily my name is despised.

Metrically, too, יַחֲלֹלוּ אֶת שְׁמִי fits here better than יַחֲלֹנַי.

So much for the critical note. The new reading: "Their masters defame me constantly," is a perfect parallel to the final colon: "Daily my name is despised"; and this line follows perfectly on the first half verse, the whole verse reading:

"Now therefore what have I here, says the Lord,
Seeing that my people are taken away for nothing?
Their masters defame me constantly,
Daily my name is despised."

Urschrift u. Uebersetzungen der Bibel, Frankfurt, 1928, p. 312-314. This tradition is not included in the usual lists of *tikkune sopherim* (cf. Frensdorff, *Ochlah W'ochlah*, Hannover, 1864, p. 113).

¹³ For similar examples of reticence cf. S. H. Blank, "The Curse, Blasphemy, the Spell and the Oath," *HUCA*, XXIII, Part I (1950-51), especially the section on blasphemy, p. 83 ff.

¹⁴ See, below, notes 20 and 22.

Now a few remarks concerning the later history of this text and its significance.

In the Septuagint the end of this verse is expanded. Instead of just "daily my name is despised" the LXX contains the longer statement "because of you daily my name is despised among the nations."¹⁵ But it would be wholly inappropriate to make any changes in the Masoretic text based on the Greek. The translator was only interpreting — correctly interpreting. This is what the author meant: *because of you* my name is despised *among the nations*. The translator could have gone yet farther. He could have said: "because of your condition, because you languish in exile"; he could have done so without scruple in view of the beginning of the verse, but he appears to have been satisfied with his "because of you" — the phrase seeming clear enough in its context.

But one cannot be too careful; his interpretive gloss: δι' ὑμᾶς, "because of you," was ambiguous, after all, and a later writer took advantage of the ambiguity. In his letter to the Romans, Paul cited the end of this verse from Isaiah and gave it an unintended meaning — a meaning made possible by the ambiguous phrase δι' ὑμᾶς of the Septuagint.¹⁶ Had he quoted the Hebrew text, he could hardly have used the verse as he did, but the Greek facilitated his misuse of the text. Paul used it to mean "because of you (*i. e.*, because of your disgraceful conduct, because you scorn the law) my name is despised among the nations."

"You who say that one must not commit adultery, do you commit adultery?" Paul asked. "You who abhor idols, do you rob temples? You who boast in the law, do you dishonor God by breaking the law? For, as it is written, 'The name of God is blasphemed among the Gentiles because of you.'"¹⁷

¹⁵ δι' ὑμᾶς διὰ παντὸς τὸ ὄνομά μου βλασφημεῖται ἐν τοῖς ἔθνεσιν.

¹⁶ As to whether Paul misunderstood the ambiguous text or consciously used it loosely to suit his purpose, cf. Wm. Sanday in the *International Critical Commentary* to Romans, p. 67.

¹⁷ Romans 2.22-24 quoted from RSV.

The quotation from Isaiah,¹⁸ now recognizable only by way of the LXX, is certainly no literal translation of the Hebrew text *כל היום שמי מנאץ*, but it is just as certainly the lineal descendant of that fragment of a verse from Isa. 52.

Divorced from its context, the assertion that God's name suffers profanation *because of* his people can mean either of two things, either a) that God is defamed by the shameful *conduct* of his people, or b) that God is disgraced because of the disgraceful *condition* of his people. Without a doubt, as the context proves, the author of Isa. 52.5 intended the latter meaning and Paul's reference to his words in the former sense introduced an unmeant meaning.

The school of Rab understood the Isaiah verse as it was originally meant. In the school of Rab, a fourth century rabbinic authority in Babylonia, someone said:¹⁹ "There are four things which the Holy One, blessed be He, regrets he ever created (*מתחרט עליהם . . . שבראם*), and these are they: the exile, the Chaldeans, the Ishmaelites, and the evil impulse." In support of the claim that God regrets the first of these creative acts, the exile (the *גלות*), this teacher quoted God's own impatient query in the verse from Isaiah: "Now therefore what have I here, says the Lord, seeing that my people are taken away for nothing?" As this rabbinic author correctly applied the verse, God does not here reprimand the people for their misconduct; he regrets their misery for which he holds himself responsible.

Paul's thought is not, however, foreign to the Hebrew Bible. Both meanings are to be found associated with the idea of profanation.

Paul's meaning, that God's name may be profaned by the conduct of his people indeed occurs a number of times in the Bible. With this meaning the formula *חלל את שם ה'*, "to profane the name of God," occurs ten times, once each in Amos, Jeremiah, Ezekiel, and Malachi, and six times in the Holiness legislation.²⁰

¹⁸ τὸ ὄνομα τοῦ θεοῦ δι' ὑμᾶς βλασφημεῖται ἐν τοῖς ἔθνεσιν.

¹⁹ Bab. Talmud, Sukkah 52b.

²⁰ Amos 2.7; Jer. 34.16; Ezek. 20.39; Mal. 1.12 (but see p. 3, above); Lev. 18.21; 19.12; 20.3; 21.6; 22.2, 32 (cf. also Ezek. 13.19 and 22.26b). In these ten passages it is the name of God which is subject to profanation; other

An inspection of the passages which contain the formula in this meaning suggests that the one in Jeremiah is the earliest.²¹ The flagrant breach of faith by the slave owners of Jerusalem who, after freeing their slaves, revoked this freedom, may have been the first חלול השם — the first offense to be designated a profanation of the name. But more commonly, in biblical times, the offense was an act of apostasy or of ritual defilement. The third verse of Leviticus 20 may serve as an illustration: “. . . I will cut him off from among his people because he has given of his seed to Molech, defiling my sanctuary and profaning my holy name.” There is, indeed, sanction in the Old Testament for Paul’s use of the thought; he was unfortunate only in his choice of a text.

Ezekiel seems to have been the first to use the formula in its other meaning, to express the idea that God’s name may be profaned, not now by the conduct but by the condition of his people, to think of God in disgrace because of Israel’s fate. With this meaning the expression occurs as a formula only in the book of Ezekiel and the chapters known as Deutero-Isaiah.²² The classic and possibly the first expression of this thought appears in Ezekiel 36 (v. 16 ff.): The people of the house of Israel polluted the land with their deeds and God in his anger scattered them among the nations. When they came there (now God is speaking) “they profaned my holy name, it being said of them: ‘These are the people of God and they have gone from his land.’ So I have had compassion on my holy name which the house of Israel profaned among the nations . . . Not for your sake will I act but

passages where not the name but sundry sacred objects are contemplated as exposed to profanation occur predominantly in almost the same sixth and fifth century sources: Ezek. 7.21–24; 20.13, 16, 21, 24; 22.8, 16 (cf. n. 11), 26; 23.38 f.; 24.21; 25.3; 44.7; Isa. 43.28; 47.6; Lev. 19.8; 21.4, 9, 12, 15, 23; 22.9, 15; Ex. 31.14; Mal. 2.10 f.; Isa. 56.2, 6; Neh. 13.17 f.; Nu. 18.32; Dan. 11.31.

²¹ The awkward syntax of the למען clause in Amos 2.7 suggests it may be an addition and the doubt as to its originality increases when we fail to find the formula in any other writings earlier than the sixth century.

²² Ezek. 20.9, 14, 22; 36.20–23; 39.7; Isa. 48.11 (but cf. note 11), to which may now be added Isa. 52.5 since “my name” is lacking as the object of יחללו only because it occurs as the subject of the parallel verb נאץ — eleven examples in five compositions.

for the sake of my holy name which you have profaned among the nations . . . and I will sanctify my great name . . . and all the nations shall know that I am God . . . and I will take you from the nations and gather you . . . and bring you to your land . . ."

The thought is familiar. In the defeat of a people, the nations see the defeat of that people's God. In the expression "to profane the name of God" the word "name" is, to be sure, a circumlocution, a cushion between the holy God and the offensive verb "to profane"; but it is not that alone. The word also adds a meaning; it adds the idea of reputation, fame, prestige, recognition. To profane the name of God is to do damage to God's reputation, to defame him, to lessen his prestige, to retard the process by which he achieves recognition, to put off the day on which it shall be known that he is God. Ezekiel suggests that, by the scattering of his people, God has done his fame no good. And the author of Isaiah 52 makes this thought his own. He hears God admit, so to speak, that the exile is a truly unprofitable, if not, indeed, disadvantageous business:

"Now therefore what have I here, says the Lord,
Seeing that my people are taken away for nothing?
Their masters defame me constantly,
Daily my name is despised."

The idea of the profanation of the name is, in reality, an aspect of a larger concept: the mission. And this is the final observation. Those men who sought to prevent the profanation of the name through shameful conduct and those who hoped that God himself might clear his name by finding a remedy for his people's disgraceful condition, those who the one way or the other deplored the profanation of the name were persons who cared, persons concerned with what others might think of their God — that is to say: they were men with a mission.

HOSEA'S MARRIAGE AND MESSAGE: A NEW APPROACH

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DEDICATED
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DR. MICHAEL HIGGER

I

FOR centuries, Biblical readers and scholars have wrestled with what has rightly been called "the vexed question of Hosea's marriage."¹ It would seem that every possible theory has already been advanced, with regard both to the actual nature of the event and the two accounts of the incident, A (chapters 1-2) and B (chapter 3).² Yet new treatments of the problem continue to appear.³ Where so many views have been proposed,

¹ Cf. H. H. Rowley in *Book List of Society of O. T. Study*, 1951, p. 46.

² For a conspectus of the older views, cf. W. R. Harper, *ICC on Hosea-Amos* pp. 208-210. The later views are summarized and criticized in R. H. Pfeiffer, *Introduction to O.T.* (New York 1941) pp. 566-569.

³ Three recent treatments are to be found in Y. Kaufmann, *Toledot Ha'emunah Hayisreclith* (Tel Aviv, 1947), vol. 6, pp. 93-107; J. Coppens, *Les Douze petits prophètes* (Bruges, 1950); N. H. Tur-Sinai, *Halashon Vehasefer* (Jerusalem, 1950), vol. 2, pp. 304-323. Kaufmann ascribes the book to two prophets, Proto-Hosea (chap. 1-3) and Deutero-Hosea (chap. 4-14). The former was a Judean prophet who lived during the reign of Jehoram ben Ahab (853-842), a century before the second prophet. To bolster his theory, Kaufmann removes the reference to בֵּית יְהוֹרָם in 1.4 by reading בֵּית יְהוֹרָם (*op. cit.* p. 99). Not only is this procedure entirely arbitrary, but his view suffers from other drawbacks as well. He is led to the assumption of two Hoseas by his pressing of the argument *e silentio*. Thus he argues that the chap. 1-3 do not refer to ethical transgressions, as do chap. 4-12 (p. 94). Not only is this not quite accurate, for 1.4 deals with an ethical sin, that of murder, but Hosea's negative attitude toward the monarchy is expressed

one may be permitted to suggest an additional theory, which will take as its point of departure the evidence of the literary documents before us.

Several views as to the character of Hosea's marriage have been advanced:

The first, the *non-literary view*, was particularly popular among the older commentators. They regarded it as morally repugnant that the Prophet would be commanded by God to marry an adulterous woman, and hence they ruled it out as impossible. Instead they assumed that the incident was an allegory or a dream⁴ without any basis in real life. This view has rightly been abandoned by nearly all modern scholars.⁵ Many of the details given are too concrete and realistic to be allegorical, besides having no figurative significance. Such are the name "Gomer, daughter of Diblaim," the reference to the weaning of a child (1.8), and the birth of a daughter rather than of a son as the

in both parts of his book (cf. 3.4; 8.4). See below. In general he stresses religious infidelity more than ethical failings everywhere in his book. Nor is it to be expected that every section will present all facets of his thought. See also note 5 below.

Tur-Sinai, in line with his general view that the prophetic and poetical books of the Old Testament were originally imbedded in a vast historical work (cf. *op. cit.* p. 312), regards the two accounts as two variants of the same incident, paralleling other Biblical dittographs. He tends to prefer the prose narrative of chapter 3 as closer to the facts than the poetic expansion of chap. 1-2. He reads an erotic symbolism into the name "Gomer, daughter of Diblaim" and maintains that Hosea is a Judean, not an Israelite, who welcomes the destruction of the Northern Kingdom as a prelude to the restoration of Judah. These views of a brilliant scholar are stimulating, but we do not find them convincing.

⁴ Ibn Ezra, Maimonides, David Kimhi, Hengstenberg, Keil, among others, treat it as an allegory; Rashi, DeWette, Hitzig, Bleek, Reuss, Koenig, among others, as a dream.

⁵ The theory has been recently revived in a modified form by Kaufmann who sees in chap. 1-3 not a literary allegory but a "prophetic-dramatic allegory" (p. 103). He interprets the phrase *'ēšeth z'nūnīm* (1.2) to mean "a woman acting the role (*taškīd*) of a harlot" by wearing the garb characteristic of such women (p. 102 ff.). Chapter 3 he refers to another woman. We find the interpretation of 1.2 far-fetched and the assumption of two distinct incidents difficult (see below). Kaufmann's view is very close to that of Guthe, on which see below note 42.

second child (1.6). Moreover, the non-literal view does not meet the moral difficulty. For an act which is ethically objectionable in reality does not become defensible as a command in a vision.⁶ Modern psychology has demonstrated that a patient under hypnosis will not execute a command which he would find morally repugnant when awake.

A second view suggests that *Hosea's marital experience was the cause of his prophetic activity*. According to this theory, proposed by Ewald and Wellhausen,⁷ Hosea is conceived of as originally an ordinary Israelite, who marries a woman of normally decent character, who later proves unfaithful. In his wrath he drives her forth from his home (2.4 ff.). Ultimately his love triumphs over his indignation, and he "loves her again" (3.1 f.), and takes her back. As Hosea ponders his tragic experience, he realizes that God's love for Israel cannot be of a lower moral quality than his own. He sees in his experience of betrayal, wrath and reconciliation a parallel to God's relationship to His people. Thus he becomes a Prophet of the Lord. He therefore recapitulates the incident under the aspect of a direct command of God (1.2), and interprets it as a parable of God's attitude toward Israel (2.4-22).

The dramatic features of this reconstruction have made this theory highly attractive to many scholars, as well as to general readers. Yet the human appeal of this theory is unable to obscure the difficulties under which it labors. That Gomer is called an "adulterous woman" at the outset might perhaps be explained away as a retrospective judgment based on her later behavior. But the symbolic names, "Jezreel," "Lo-Ruhammah" and "Lo-Ammi," given to the children at birth (1.4, 6, 9) rule out the view that Hosea did not become a prophet until *after* Hosea's separation from and reconciliation with his wife. For the giving to children of symbolic names possessing national or religious import is a characteristic form of prophetic activity, for which Isaiah is notable, as in the case of "Shear Yashub" (7.3, cf. 10.21) "Immanuel" (7.14, cf. 8.8, 10) and "Maher-shalal-hash-baz" (8.3). Moreover, the use of *'išāh* without the article in 3.1

⁶ For other cogent objections to this view, see Harper, *op. cit.* p. 208.

⁷ Accepted by W. R. Smith, Kuenen, G. A. Smith, Nowack, *inter alios*.

rules out the possibility that we have here a reference to "the woman" already mentioned in chap. 1. Finally the clause in 3.1 cannot mean "go, love again the woman,"⁸ unless we abandon all evidence of Biblical syntactic usage, as will be indicated below. Chapter 3 is therefore not the happy conclusion of the tragic estrangement described in chap. 1-2.

A third view believes that Hosea's *unfortunate marital experience was the result of his prophetic activity*.⁹ On this view, Hosea is a prophet, who is commanded by the Lord to marry an adulterous woman, in order to dramatize his message concerning the unfaithfulness of Israel.

Such symbolic acts belong to the oldest devices of Hebrew prophecy, being practiced by the popular seers whom the Bible stigmatizes as the false prophets (cf. I Kings 22.11; Jer. 28.10). The great literary prophets continued to employ this technique. Thus Isaiah is commanded to procreate a son and to give him a name that will announce the doom of the state (8.1 ff.), and to walk without a girdle and barefoot for three years and thus forecast the captivity of Egypt and Ethiopia (20.2 ff.). Similarly, Jeremiah is directed to make ropes to symbolize the need for subjugation to Nebuchadnezzar (27.2), and later is told to purchase a field at Anathot during the siege of Jerusalem, in order to dramatize his faith in national restoration (32.6 ff.). Ezekiel, in particular, is commanded to perform a variety of symbolic acts. He is bidden to build a model of the city on a brick (4.1 ff.), to sleep on one side for long periods (4.4. ff.), to write down the day of his prophesying (24.2), and, much later, to join two pieces of wood, in order to symbolize the ultimate reunion of Judah and Ephraim (37.16 ff.). Even more pertinent to our case are the instances where Ezekiel is commanded to perform acts that are repugnant and painful to him, either on religious or personal grounds. Such are the commands to shave his hair (5.1, cf. Lev. 19.27; Ezek. 44.20), to eat dung (4.12), against which he protests (4.14), and to witness the death of his beloved wife, without being permitted to fulfill any of the customary rites of mourning (24.15 ff.).

⁸ On this rendering of 3.1a see below.

⁹ So Sellin, following Volz and Gressmann.

The theory accordingly suggests that it is in line with this well-attested practice of a prophetic "sign" that the three opening chapters of Hosea are to be understood. In obedience to the Divine command, the prophet marries an adulterous wife, by whom he has three children, who are given names that carry his message to the sinful people. It is part of the prophetic drama that he is enacting that he drives her from his home and then readmits her, to symbolize both Israel's estrangement from God and the possibility of Divine forgiveness.

This hypothesis, to be sure, avoids the difficulties of the preceding ones, but it suffers from drawbacks on its own. The analogies from the prophetic activity of Isaiah, Jeremiah and Ezekiel are not quite parallel. Acts of discomfort may be enjoined upon the prophet, but they are still a very far cry from the command to marry an adulteress and to beget children who are illegitimate. The ancient Hebrew horror of adultery¹⁰ went beyond the guilty parties and forbade the husband to continue to live with his faithless wife.¹¹ The status of children born in

¹⁰ Cf. the Decalogue (Ex. 20.14; Deut. 5.17) and Deut. 22.25.

¹¹ Cf. the primitive ordeal of the suspected wife (Num. 5.11 ff.). Note particularly the phrase 5.31a — "the husband shall be free from sin." The strength and persistence of this attitude is clear in the Talmudic principle כשם שאסורה לבעל כך אסורה לבעול "As the adulterous woman is forbidden to her husband, so she is forbidden (ever after) to her paramour" (B. Sotah 28a); טמאה לבעל טמאה לבעול טמאה לחרומה "She is unclean (and forbidden) with regard to her husband, her paramour and the heave-offering" *Sifre, Numbers*, (ed. Friedmann) sect. 7, p. 4a; sect. 19, p. 6b. Cf. L. M. Epstein, *Sex Laws and Customs in Judaism* (New York 1948) p. 199: "The Biblical law of adultery . . . makes adultery a moral crime rather than an injury to the husband . . . The husband cannot forgive his wife and his forgiveness has no bearing on the crime of the adulterer." The silence of Biblical law on the subject of possible forgiveness by the husband is in striking contrast with the provisions in other Oriental codes. Thus the Code of Hammurabi (par. 129) permits the husband to forgive his adulterous wife and extends to the king the right to spare her adulterous partner. Similar provisions obtain in the Assyrian Code (Part I, par. 14-16) and the Hittite Code (par. 198). The documents are conveniently accessible in J. M. P. Smith, *Origin and History of Hebrew Law* (Chicago, 1931), in the translations of D. D. Luckenbill, pp. 181 ff. and A. Walther, pp. 181 ff., and G. R. Driver-J. C. Miles, *The Babylonian Laws* 2nd ed. (Oxford 1952). As Hosea's experience indicates, men undoubtedly did forgive their erring wives *post eventum* (cf. Ezek. 16.63),

adultery was one of isolation from the community. That all this could be divinely ordered is difficult to believe.

Moreover, another, more crucial objection to this approach still remains. If Hosea knew of Gomer's disreputable character at the outset, there is no basis for his later indignation and for evicting her from his home. For where there is no trust at the beginning, there can be no betrayal at the end. Hosea's wrath under these circumstances would be purely artificial and indeed unjustified. That is not all. The whole point of the parable is completely blunted, for its essence lies in the fact that Israel's *original* relationship to God was conceived of as one of complete fidelity and trust. That this was the prophetic conception is clear from Hosea himself, (2.16), from Amos (5.25) and from Hosea's spiritual descendant, Jeremiah (2.1-3). The Prophets regard the desert period in Israel's history as marking the ideal relationship between God and His people.¹²

To meet the problems confronting these various theories, we should therefore like to present another view. Hosea is a prophet at the outset of his career. He is commanded by God to marry Gomer and beget children, whose names will symbolize the message of doom for Israel. She is described not as a harlot

but that the Lord would command Hosea to marry such a woman *in advance* and beget children who would bear the ineradicable taint of illegitimacy forever after (cf. Deut. 23.2), is most unlikely.

¹² Cf. K. Budde, "The Nomadic Ideal in the O.T.," in the *New World*, vol. IV, pp. 726-45; J. W. Flight, "Nomadic Idea and Ideal in the O.T." in *JBL*, vol. 42, pp. 158-226; R. Gordis, "The Bible as a Cultural Monument" in L. Finkelstein (ed.), *The Jews* (New York 1949), vol. I, pp. 475 ff. We believe that S. W. Baron's strictures on Budde and Flight in *A Social and Religious History of the Jews* 2nd ed. (New York 1952, vol. I, pp. 335 f.) are not convincing. That the nomadic age was not as idyllic as it was pictured in the folk-memory and the thinking of the prophets, may be true, but this does not justify the assumption that the nomadic ideal played a "relatively minor role" or that the prophets are harking back to "the golden age of Adam or Abraham." Adam is practically never referred to in the Prophets. (If Hos. 6.7 refers to Adam, it is his sin, not his perfection that is mentioned.) Abraham is named only a few times and then only in the later prophets (Isa. 41.8; 51.2; Ezek. 33.24; II Chr. 20.7). On the other hand, the "golden age" of the prophets is the wilderness period after the Exodus (cf. e. g. Amos 5.25; Jer. 2.1 ff.). Cf. also Ehrlich's interpretation of Isa. 4.6.

(*'išāh zōnāh*) but as a "woman of harlotry" (*'ēšeth z'nūnīm*). The implication of the term is indicated by the succeeding clause (1.2c), "for the land is committing great harlotry against the Lord." The meaning of the phrase is to be sought in an analogous usage, in Isa. 6.5. When the young prophet, seeing the vision of God, cries out, "Woe is me, for I am undone, for I am a man of unclean lips (*'āš ṭēmē s'phātayīm*) and I dwell in the midst of a people of unclean lips (*'am ṭēmē s'phātayīm*)," he is not accusing himself of personal impurity but, in accordance with basic Semitic and Hebrew attitudes of group solidarity, declaring that he is involved in the uncleanness of his people. Similarly, Gomer is "a woman of harlotry" not because she has personally violated her marriage vow but because she is implicated in the sinfulness of the nation, "for the land is committing harlotry against the Lord." Thus Gomer serves as a symbol of the adultery of Israel, as do her children, who are given names to recall Israel's bloody sin in the Valley of Jezreel and God's consequent lack of love for His people.

It is noteworthy that, after the birth of the children, all references to Gomer cease and the subsequent acts in the family drama are not described. It has been suggested that only the oldest child is Hosea's, hence the pronoun *lō* "she bore him a son" (1.3) which is lacking in the case of the other two children.¹³ Be this as it may, her subsequent fortunes are not explicitly set forth and must be implied from the succeeding section (2.4 ff.) and from the second account (chap. 3). The discovery of Gomer's adultery, her expulsion from Hosea's home and her restoration are left undescribed, because the ground now shifts to the relationship of God and His faithless people Israel, with regard to whom the denunciation and rehabilitation are traced (2.4-20; 1-3).

The modern, Western reader may find this shift from personal history to prophetic parable disconcerting. But the key lies in the Hebrew concept of "fluid personality," to which H. W. Robinson and O. Eissfeldt independently called attention in treating the problem of the identity of the Servant of the Lord

¹³ Cf. Harper, *op. cit.* p. 211; Sellin, *ad loc.*

in Deutero-Isaiah.¹⁴ The Servant Songs have long proved difficult, since they contain certain features that obviously refer to the people collectively and others that mirror individual traits.¹⁵ Hence neither the collective interpretation, which refers the poems to Israel, nor the various theories, which refer it to one individual¹⁶ do justice to every detail in the Servant Songs. The point of departure is the Prophet's role as a teacher of the Exilic community, serving as the messenger of the God of Israel to his co-religionists. This position he identifies with the function which Israel is destined to play among the nations. Hence the descriptions of the Servant contain both individual and collective features, with now one and now the other predominating. Rowley concludes a brief discussion on the identity of the Servant with this sound judgment: "It seems wiser, therefore, to adopt no simple individual or collective view. It is probable that the Servant is in part the personification of the mission of Israel, and in part the delineation of one who should embody its mission in himself . . . the servant is both the community and the individual who represents it."¹⁷ In North's summary, "the ebb and flow of Deutero-Isaiah's thought was from Israel to his own prophetic consciousness and back to Israel."¹⁸

The concept of "fluid personality" is generally assumed to be based on the idea of primitive psychology propounded by Lévy-Brühl¹⁹ and E. Durkheim.²⁰ Actually, the validity of

¹⁴ Cf. H. W. Robinson, *The Cross of the Servant—A Study in Deutero-Isaiah* (London 1926) and "The Hebrew Concept of Corporate Personality" in *Werden und Wesen des A.T.*, ed. J. Hempel, 1936, pp. 49 ff.; O. Eissfeldt, *Der Gottesknecht bei Deuteroseiaia* (Halle, 1933); H. H. Rowley, *The Servant of the Lord and other Essays* (London 1952), esp. pp. 33 ff.; 38 f.

¹⁵ For an admirable survey of the entire subject, cf. C. R. North, *The Suffering Servant in Deutero-Isaiah* (Oxford, 1948) and Rowley, *op. cit.*, pp. 3–88.

¹⁶ Such as Zerubbabel, or some other scion of the Davidic house, Moses, Uzziah, Ezekiel, the martyr Eleazar of the Maccabean period, Cyrus, an anonymous contemporary of the prophet, whom he regarded as the Messiah, or the prophet himself.

¹⁷ Cf. his "Meaning of Sacrifice in O.T." in *Bulletin of John Rylands Library*, vol. 33, 1950, pp. 108 f.

¹⁸ *Op. cit.* pp. 215 f.

¹⁹ Cf. his *How Natives Think* (1926).

²⁰ Cf. his *Elementary Forms of the Religious Life* (1915).

the concept of "fluid personality" rests upon the evidence in the Old Testament itself, and it is by no means exhausted by the Servant of the Lord Songs in Deutero-Isaiah.

It may be suggested that the age-old problem of "I" in the Psalms finds its solution in the same psychological phenomenon. In countless Psalms, the poet seems to be describing his own personal lot in unmistakable terms and then imperceptibly the ground shifts to his group or to his people as a whole.²¹

The problem of interpretation in the Psalms has been met in several ways. Formerly, critics fell back upon the assumption of multiple authorship in order to explain the discrepancy. This atomistic approach is, however, no longer as popular as it was in the past. It is particularly inapplicable to the Psalms, where it would mean dividing short literary units into mere fragments. Commentators have therefore adopted one of two alternatives. One view, going back to antiquity, has maintained that the "I" in the Psalms is always to be understood collectively, since the Psalter is a congregational hymn-book²² and has admitted only a few isolated exceptions to the rule. It is undeniable that this view overlooks strongly individualistic traits in many Psalms. The other theory has insisted vigorously that the "I Psalms are all to be understood individually."²³ Thus Balla, a leading protagonist of this position, argues that only Psalm 129 is collective in meaning. Pfeiffer agrees that "the Psalter is on the whole the handbook of personal religion," but in view of the fact that many of the Psalms reflect group-traits is constrained to admit that "in the last analysis the situation is not entirely clear."²⁴ The conflict between the individual and collective interpretation of the Psalter is actually reflected in variations

²¹ For the statement of the problem, cf. the Introductions to the standard commentaries of W. R. Harper, R. Kittel and Hans Schmidt.

²² This interpretation is to be met with in the LXX, the Church Fathers, and the medieval Jewish commentators, and was defended by R. Smend, in *ZATW*, vol. 8, 1888, pp. 49 f., and Th. Engert, *Der betende Gerechte der Psalmen* (Würzburg 1902).

²³ E. Balla, *Das Ich der Psalmen* (Göttingen, 1912), who was preceded by G. Beer, G. Coblenz and H. Roy.

²⁴ Cf. R. H. Pfeiffer, *Introduction to O.T.* (New York, 1941) p. 634.

between singular and plural, registered in the Biblical text itself.²⁵

The dilemma posed by these two contradictory theories dissolves when it is recognized that the Psalms reflect the same concept of fluid or corporate personality. The impetus to the Psalmist's outpouring of soul lies in his own individual experience, his physical anguish or the taunts of his foes, his sense of sin or his feeling of faith triumphant and joyous thanksgiving. But his individuality blends with that of the group in society with which the poet is associated or with the entire people of Israel of which he is a part. Hence it is not possible at every point to determine whether it is the individual or the group whom the Psalmist has in mind — he himself might be unable to give a definite answer, for both coalesce in his consciousness. This concept is a significant clue to the understanding of the Psalms, as we hope to demonstrate elsewhere.

It is also significant in understanding the patriarchal history in Genesis. It has of course long been noted that, to quote Dougherty, "in this ancient literary genre, personal and tribal history shade off into each other."²⁶ Actually the phenomenon is more complex than this description indicates. Not only do the lives of the patriarchs in Genesis exhibit both unmistakable personal traits and equally clear eponymous characteristics, but the transition from one to the other and back again is made with complete disregard of the logical canons and literary sensibilities familiar to the modern reader. Nor is this all. Often the narrative blends both the personal and the tribal aspects simultaneously.²⁷ The key here too is to be found in the

²⁵ Cf. Ps. 17.11 סבבני Kethib, סבבנו Qere; 60.7 וענוני Kethib, וענני Qere; 71.20 וראיתו Kethib, וראיתי Qere; 108.7 וענוני Kethib, וענני Qere. Cf. R. Gordis, *The Biblical Text in the Making* (Phila. 1937) pp. 140 f. and the relevant notes for the evidence of the Versions.

²⁶ Cf. his "The World of the Hebrew Patriarchs" in *Scripture*, vol. 3, 1948, p. 98.

²⁷ Note the rivalry of the brothers, the birthright, and the blessing, which exhibit both individual and collective elements (Gen. 25.19-34; 26). The dream of Jacob at Beth-El is personal (28.10-22) as are his love and marital experiences (ch. 29), while the birth of the children by his wives and concubines (ch. 30) reflects tribal history. His escape from Laban (ch. 31) his encounter

concept of fluid personality, in which the patriarchs are flesh-and-blood individuals and yet coalesce with the people who trace their descent from them.

It should be added that this approach is by no means limited to the ancient world. Medieval Hebrew poetry which is, to be sure, based upon Biblical models, reveals the same phenomenon. This is not a matter of borrowing, but of a basic pattern of thought congenial to any stage of civilization.²⁸ Modern psychoanalysis has suggested the source of the concept in the phenomenon of "identification." This is defined as "the self-definition of the Ego in terms of some other person, initially the father or the mother . . . Identification is the mechanism underlying

with Esau and the incident at Peniel (ch. 32, 33) are largely personal history, while the Dinah tragedy (chap. 34) is obviously tribal, as practically all scholars have recognized. The Joseph story is basically personal, but the role of Judah and Reuben as would-be saviors of the lad have tribal overtones and these become explicit in Jacob's adoption of Manasseh and Ephraim. The Judah-Tamar incident (ch. 38) is patently tribal.

²⁸ We may cite part of a poem by the medieval Todros Halevi Abulafia (1247-1307) הלוי כסלי ביה (in his divan, *Garden of Parables and Riddles*, ed. D. Yellin, part 2, vol. 1, 1934, pp. 104 no. 657). At times, the first person represents the poet, who addresses the Daughter of Israel in second person feminine singular, at others the first person is used by the Daughter of Israel herself. The transition is also abrupt by our standards. The translation is our own.

Is not my trust in God, my Dweller on high,
 Why art thou downcast, my soul, and why dost thou moan?
 My faith is in His mercies and love,
 Why shouldst thou then fear men?
 O honored one, fear not time, the mocker;
 Place thy faith in thy Maker . . .
 If I have sinned to him, I shall repent
 With my voice, implore until he forgives my sin . . .
 And praise His name for good and for evil,
 And sing to Him when I lie down and when I rise up.
 And if despoiling foes have come to my house,
 And stretched their hand against my son and my mother,
 I shall yet master them, by God's power.

The reference to "my son and my mother" by the Daughter of Israel is an illuminating example of this dual process of dissociation and identification that sheds light on Hos. 2.4 discussed later in the text.

grouping . . . Each member of the group identifies himself with the others, via the prior identification of himself with the leader, who thus replaces the parent of the family group."²⁹ One need by no means accept Freud's conception of God as nothing but a Father-image, in order to recognize that the Prophet's entire activity is an identification with his God, whose instrument he has become.

This process of "identification" is the key to the understanding of chapter 2 in Hosea. After beginning with his own marital experience (chap. 1), the prophet goes over to the subject of God's unhappy relationship with Israel, which parallels the event in his own household.³⁰ Yet the transition between the two is not altogether abrupt (2.4 ff.). Verse 4 constitutes a bridge:

Plead with your mother, plead;
For she is not my wife, neither am I her husband;^{30a}
And let her put away her harlotries from her face,
And her adulteries from between her breasts.

²⁹ *Encyclopedia of the Social Sciences* (New York, 1946), vol. 11, p. 584b.

³⁰ That 2.1-3 are misplaced is widely recognized. Their place is after v. 20, so that vv. 2.1-3 complete the theme of restoration, with the name "Jezreel" being given a favorable connotation (2.20) instead of its originally unfavorable meaning (1.4) and the negative names "Lo-ruhammah" and "Lo-ammi" being changed to the positive (2.20, 1, 3). So also Kaufmann.

^{30a} When this paper was read at the annual meeting of the Society of Biblical Literature in December, 1952, Prof. C. H. Gordon suggested that v. 4b "for she is not my wife and I am not her husband" is a formula of divorce and that stripping the faithless wife naked (v. 5) constitutes the legal act of divorce in such cases. In support of this view he cited the usage attested in *Hana* and *Nuzu*. I am indebted to him for the references to *ZATW*, vol. 11 (1934) pp. 102-109; vol. 13 (1936) pp. 237 ff.; vol. 14, (1937) p. 176, *Archiv Orientalní*, vol. 9 (1937) p. 93; *Orientalia* vol. 10, (1941) p. 358. From the last reference it is clear that the passage Hos. 2.3-6 was cited in the formula of exorcism of demonesses in Talmudic Babylonia.

Nonetheless, we are unable to accept this interesting view of the passage because of several considerations, both general and specific. It is precisely in the field of 'faith and morals' that Israel parted company most decisively with their neighbors in the Fertile Crescent. Undoubtedly there are many parallels between Israel and her environment, but they must be buttressed by concrete evidence from Hebrew and Jewish sources, before they can be regarded as certain. No evidence of such a procedure in divorce is to our knowledge available in Biblical and Rabbinic sources, and this in spite of

These words, as T. H. Robinson has acutely noted, are "a remarkable combination of the collectivistic and individualistic conception of the people, with *Israel being regarded as a single person and the members of the people as her children*" (*italics ours*).³¹ However, Robinson has failed to ask a most pertinent question, — what purpose is served by this combination, which is logically self-contradictory, for the mother and the children both refer to the people of Israel? What gain, psychological or literary, is achieved by dissociating the mother and the children? The answer lies in the process of "identification" which here finds its transition-point. In this verse, Hosea undoubtedly has

the copious material available on the subject in Talmudic and post-Talmudic literature, on which see A. H. Freiman, *Seder Kiddushin uNesuin* (Jerusalem 1945) and L. M. Epstein, *Marriage Laws in the Bible and the Talmud* (Cambridge 1942); *idem*, *Sex Laws and Customs in Judaism* (New York, 1948). Even more pertinent is the difficulty of context in Hosea. If v. 4b, c were the formula of divorce, it would not be followed by the plea "let her put her harlotries away from her face, etc." (4d, e); the order of the clauses would be reversed. So, too, if stripping her naked (v. 5) were the legal act of divorce, it would not be introduced by *pen* "lest", for it would be too late for threats. As for the use of the passage in formulae of exorcism, Biblical sources were often used for ritual ends not contemplated by their authors. Thus vv. 21, 22 in this very chapter are used to the present day in the ceremony of the donning of phylacteries.

The most natural view of the passage is to regard it as a figurative description not of a divorce but of the punishment of an adulteress. According to Biblical law, the adulteress was executed (Lev. 20.10; Deut. 22.22), but according to widespread custom, the wrath of her wronged husband found expression in stripping her naked and exposing her to public infamy (Nah. 3.5; Jer. 13.26; Ezek. 16.37; 23.27). Rabbinic law before the end of the Second Commonwealth, likewise retained the old practice of stripping the condemned woman bare, but modified it out of considerations of pity and modesty (Mishnah, Sanhedrin 6.3; *Sifre Numbers*, ed. Friedman p. 5a; cf. also Mat. 27.28, 35, and see Epstein, *Sex Laws*, p. 200, n. 39). Here is an illuminating instance of how the traditional mores of the ancient Orient developed differently in different cultures. In Hana and Nuzu, stripping the woman bare became a legal procedure in divorce. In Israel, it survived only as a punishment for crime, not as a procedure for divorce, and even this practice, post-Biblical law sought to modify. Hosea threatens his faithless wife with both the customary and the legal punishments for adultery (note 2.5e for the figurative death penalty).

³¹ Cf. Robinson-Horst, *Die Zwölf kleinen Propheten* (Tübingen 1938) p. 8. See note 28 for a striking parallel.

in mind his prophetic message of the Lord's betrayal by Israel, but he is operating with the human figures of his personal tragedy. *The children who are being called upon to reprove their mother are Hosea's actual children, and they are, naturally, personalities distinct from their mother.* In verse 5, it is still the human husband who promises dire vengeance upon his adulterous wife:

Lest I strip her naked,
And set her as in the day that she was born,
And make her as a wilderness,
And set her like a dry land.

Only in the very last clause of verse 5, "And I shall slay her with thirst" and in verse 6,

And I will not have compassion upon her children;
For they are the children of harlotry,

does the transition become complete and the human husband dissolve into the Divine.

This transition from parable to message, from man to God, finds a striking parallel in Isaiah's "Song of the Vineyard" (5.1 ff.). Here the parable of the human minstrel and his vineyard is sustained from the beginning through v. 5 and v. 6a:

And now come, I will tell you
What I will do to my vineyard:
I will take away the hedge thereof,
And it shall be eaten up;
I will break down the fence thereof,
And it shall be trodden down;
And I will lay it waste:
It shall not be pruned nor hoed,
But there shall come up briers and thorns.

Thus far the human owner of the vineyard speaks. But then comes 6b: —

I will also command the clouds
That they rain no rain upon it!

It becomes resoundingly clear that it is God and not a human being who is speaking.

Once the transition has been effected in Hos. 2.5e and 6 from the human to the cosmic plane, the personal lot of Hosea's wife is no longer of interest and is not referred to again in the chapter. That there was a reawakening of conscience, a period of penance, and a restoration to favor for the erring wife is to be inferred from the parable, which is now developed by the prophet (2.6 ff.). These developments are also indicated, with significant changes that are still to be discussed below, in the independent parallel account in chap. 3.

The prophet now utilizes the parable to foretell the tragic consequences of Israel's career of infidelity and degradation. As troubles overwhelm her, she will discover that it was not her Baal-lovers who were the source of her well-being. Her remorse will grow with her suffering and privation. The Lord will visit upon her all the days of the Baalim that she had been wont to celebrate, probably exposing her to an equivalent period of want to atone for her period of wantonness, on the principle of *lex talionis* (2.15). Similarly, the generation of the desert had to expiate for forty years the sin of the faithless spies who had explored Canaan for forty days (Num. 14.34). After this period of suffering, God will lead her out to the Wilderness, far from the corrupting influence of Canaanite civilization, and gently persuade her to return to Him. The Lord, who is the true source of Israel's well-being, will restore her vineyards,³² the very symbol and center of the Baal cult, as of yore.³³ Israel will again respond to God's call as in the days of her innocent youth following the Exodus from Egypt (v. 17) and never again sink into Baal worship (vv. 18, 19). The relentless struggle against nature and the war against human foes will cease (v. 20). The Lord will betroth Israel to Himself in an everlasting bond

³² Robinson's emendation קְשׁוּרֶיהָ "her bridal ornaments," which is graphically very distant from כְּרָמֶיהָ, vitiates the prophet's theme.

³³ מִשָּׁם is temporal, not spatial=lit. "from then" cf. Arabic ثُمَّ "then," not هُنَا "there." Harper, *op. cit.*, p. 241, recognizes the temporal force of the word. The same temporal usage of the adverb probably occurs in Hos. 6.7; Ps. 14.5; 36.13, as well as in Isa. 65.20, where it is directed to the future. Tur-Sinai proposes to read כְּרָמֵי הַקָּשָׁם "Carmi, destroyed (one)," in which he sees a reference to Achan ben Carmi in Jos. chap. 7. But the context then requires a far-fetched interpretation (*op. cit.* pp. 322 f.).

(vv. 21, 22). The name "Jezreel" will now symbolize not the sin of Israel's past but God's sowing in the land, and the portentous names of the other two children will be changed to "My People" and "Beloved" (v. 25). In the three concluding verses of the prophecy, which have been placed by error at the beginning of the chapter,³⁴ Israel will become as numerous as the sands of the sea, while Judah and Israel, once more united under one ruler, will dwell secure in God's favor and love (vv. 1-3).

Thus a tragic event in the life of the prophet Hosea is made to serve as a *message of warning* and as a *call to repentance* for the sinful people of Israel.

II

At least as complex as the nature of the events described in chap. 1-2 is the problem raised by the existence of chapter 3. This second, much briefer account of Hosea's personal life, is written in the first person. The narrative tells how the Lord spoke to the Prophet again (*'ōdh*) and asked him to "love a woman who is beloved by her husband,"³⁵ yet practices adultery,

³⁴ See note 30 above.

³⁵ Following the lead of LXX and P, who render the phrase אֶהְבֶּתָּ לִי actively, most moderns have interpreted "loving a paramour" (so already Ibn Ezra). Thus Michaelis, Oort, Harper, T. H. Robinson vocalize MT אֶהְבֶּתָּ לִי. Even if this meaning is desired, the change is unnecessary. On the active (or middle) use of the *kātūl* participle form, cf. יָבוֹר (Ps. 103.14), גָּחִץ "pressing" I Sam. 21.9, אָחַז "holding" (Cant. 3.8) *inter alia*, and such common Mishnic forms as עָסָק "active," שָׁקַד "diligent" etc., see the fundamental discussion of J. Barth, *Nominalbildung in den semitischen Sprachen* (Leipzig 1889), pp. 175 ff. However, in spite of the widespread acceptance of the active sense for the phrase, we believe that the context is best served by rendering "beloved of a husband, yet practicing adultery." This is validated by the clause immediately following, which interprets the parable, "like the Lord's love for the children of Israel, while they turn to other gods," as Rashi, Kimhi and Karo recognized. לִי is used of "paramour" in only one passage, Jer. 3.11, and then in the plural; in the singular it is used of the rightful husband in Jer. 3.20, a verse, which is the oldest commentary on our passage:

אֲכֹן בִּגְדָה אִשָּׁה מְרֻעָה כֹּן בְּגִדְתָּם בִּי בֵּית יִשְׂרָאֵל (read בְּרֻעָה, with LXX, P, T).
 "Indeed as a woman betrays her husband, so have you betrayed me, O house

as the Lord loves the children of Israel, but they turn to other gods."³⁶ Hosea takes the woman in marriage, as is clear from the misunderstood verb *nākar*, which is used here of purchase in marriage.³⁷ The price he pays for her is that of a

of Israel." רַע in the singular is also used of the true lover in Cant. 5.16 parallel to דָּר, a term applied to the Lord in Isa. 5.1. On *re'a* and *ra'yāh* as referring to the true love, cf. Gordis, *The Song of Songs* (New York, 1954), pp. 31 f.

³⁶ That the difficult closing phrase of v. 1 אֶשְׂכֵּם עִנְבִים (3.1) "who love cakes of raisins," refers to some pagan rite was recognized by W. R. Smith, Volz, Martin, Haupt and Harper. The difficulties of content and syntax have led N. H. Tur-Sinai to propose the brilliant emendation אֶשְׁת עִנְבִים, "And so I loved a woman of lust" (cf. Ez. 33.31 f. etc.). He has since modified the suggestion to read אֶהָב אִשִּׁי עִנְבִים (which he interprets to mean, "I loved a woman of broad hips"), on the ground that it is graphically closer to MT (*op. cit.* pp. 313 f.). The first emendation, nevertheless, is far preferable, if the MT is to be changed at all. If it is accepted, the clause should be attached to v. 2.

³⁷ This view of the meaning of the verb *vā'ekkehā* was taken by Ibn Ezra and Kimḥi, who interpret the verb to refer to a marriage price (Kimḥi: קְנִיחָה לִי לְאִשָּׁה). Ibn Ezra also recognized that the root is *nākar*, not *kārāh*, hence the dagesh in the Kaph in MT. This intuitive grasp of the passage was rejected out of hand by most moderns (cf. Harper, *op. cit.* p. 219), a procedure that has happened more than once (cf. e. g. the present writer's "The Asseverative Kaph in Hebrew and Ugaritic" in *JAOS*, vol. 63, 1943, pp. 176 ff.). In 1938, C. H. Gordon proposed to read the verb *nkr* in the Ugaritic King Keret tablets and suggested that the word "was the technical term referring to the payment upon re-marriage" (cf. his "*Trḥ*, *ṬN* and *NKR* in the Ras Shamra Tablets," in *JBL*, 1938, vol. 57, pp. 407-10). He was later persuaded to surrender this view in favor of the interpretation of *nkr* as "stranger" (cf. e. g. H. L. Ginsberg, *Legend of King Keret*, New Haven 1946, p. 16). In response to a communication from the present writer, Gordon has now (letter dated December 15, 1952) reaffirmed his original view of the root, connecting it with Hos. 3.1. In a forthcoming paper, we hope to point out that a) it is unlikely that a special technical term would exist for so rare a procedure as re-marriage, and b) that even if the Keret legend requires the idea of re-marriage, Semitic usage would not require that the theme of repetition be expressed in the root; cf. the frequent use of Hebrew *bānāh* in the meaning "rebuild" (Jos. 6.26; I Kings 16.34; Isa. 58.12; Ps. 69.36, etc.). The root *nkr per se* means "buy, as in marriage," in the Qal (here in Hos. 3.1) and "sell, hand over" in the Piel (in I Sam. 23.7: *nikkar 'ōthō elōhīm beyādī*, lit. "God has sold him into my hand"). Note the identical use of the more common *makhar* in Judg. 4.9. The Aramaic root *zbn*, which means "buy" in the *Peal* and "sell" in the *Pael* is an exact parallel. So too the Hiphil הִקַּח means "sell, transfer ownership" in Mishnic

slave.³⁸ He then tells her that she is to dwell in his home as his wife,³⁹ but with no relations either with her former lovers or with him. This period of separation is obviously intended to serve her as a time of penance and purification. So, too, the children of Israel will dwell a long time without king or Lord, sacrifice or pillar, ephod or teraphim. Afterwards, they will seek the Lord their God and David their king, and "come trembling" to the Lord and His goodness.

How are these two accounts (chap. 1-2 and chap. 3), which are strikingly similar without being identical, related to each other, and how are they to be evaluated? Here, too, various views have been propounded:

Hebrew. All the proposed emendations for the verb in Samuel, *makhar*, *sikkar*, *siggar* are unnecessary. LXX (πεπραάειν="sold"), like the other vss. (P מִכַּר, V, *tradidit*, T, מכר) followed the context correctly and read MT, not *makhar* (ag. BH). On "buy" as meaning "marry," cf. the ancient Mishnic usage in Kid. 1.1. האשה נקנית בשלש דרכים "A woman may be acquired in marriage in three ways"; *ibid.* וקונה את עצמה lit. "buys herself, i. e. becomes free of the marriage bond." The Talmud *ad loc.* interprets even the Biblical verb *lakah* (Deut. 24.1), which is used of marriage as equivalent to purchase: נמר קיחה משרה עפרון "He derives the verb 'taking' to mean 'buying' from the field of Ephron (Gen. 22.13) where the verb for buying is 'taking'."

³⁸ In addition to the fifteen shekels, he pays a *hōmer* (= *kor*, or 30 seah) and a *lethekeh* (half a *hōmer*, or 15 seah) of barley. On *lethekeh*, cf. the *Mishnah Shebuoth* 6.3, T. *Baba Batra* 7a and see K. Galling, *Biblisches Reallexikon* (Tuebingen, 1937) column 367. From II Kings 7.1, 16 we learn that during a siege, 2 seah of barley sold for one shekel. Under more normal conditions (though not much more normal, see below for the circumstances) the price would be cheaper, probably 3 seah for a shekel. The 45 seah of barley that Hosea gave thus were worth 15 shekel, making a total of 30 shekels. The commentators have noted that this is the price of a slave (Ex. 21.32; Zech. 11.12) and also the redemption-fee for a woman (Lev. 27.4). The purchase of a slave-girl included marital rights, as is clear from the Book of the Covenant (Ex. 21.7 ff.).

³⁹ *Yāšabh* has the nuance "dwell in the house of a husband" whether he be living (Lev. 12.4; Deut. 21.13) or dead (Gen. 38.11; Isa. 47.8). Cf. both senses of the verb in the Aramaic proverb cited in the Talmud, *Kid.* 7a: טב למיתב מנרו מלמיתב ארמלא "It is better to dwell in grief than to dwell as a widow." The Hiphil, הושיב, "give a dwelling," therefore develops the meaning "marry" in late Hebrew (Ez. 10.2, 14, 17, 18; Neh. 13.23, 27; cf. also Ps. 113.9), a sense possessed by the Ethiopic cognate *'awsaba*.

1. Chapter 3, though written in the first person, is not authentic.⁴⁰
2. Chapter 1 is un-historical, while chapter 3 is authentic.⁴¹

It is unnecessary to enter upon any detailed refutation of these opposing and equally unsatisfactory views. Those who entertain them are completely arbitrary in deciding what is or is not authentic. Nor does one solve a problem by pretending that its elements do not exist.

3. The two accounts were originally one and were expanded by interpolators. Thus Sellin regards as authentic only the passages written in the first person. Accordingly, he re-constructs and rearranges the original narrative and claims that it consists only of 1.2b; 3.1a, 3, 4, 5a, δ; 1.3a; 3.2. The highly subjective nature of Sellin's procedure need not be labored. He creates a mosaic out of the three chapters, and reduces the 34 verses of the Masoretic text to a narrative which contains only three full verses and 3 fragments.
4. The two accounts represent two distinct incidents.⁴² The first incident dealt with a good woman named Gomer, whose description as *'ēšet z'nūnīm* is purely figurative and means virtually "a woman of poor surroundings."⁴³ The second incident refers to the purchase of a street-walker, with whom the prophet never has any relations. In favor of the view that there was a second incident, it is pointed out that the phrase in 3.1a *וַיֹּאמֶר ה' אֵלַי עוֹד לךְ אֶהְב־אִשָּׁה* must mean, "The Lord said to me again, 'Go love a woman, etc.'," not, as often given "And the Lord said unto me, 'Go, yet, love a woman, etc.' " or, "Go again, love a woman, etc."⁴⁴

⁴⁰ So W. R. Smith, Volz, Marti, Haupt, R. E. Wolfe.

⁴¹ So Peiser.

⁴² So Hoelscher, Staerk, Arnold, Pfeiffer, and Kaufmann, who combines it with the allegorical theory. Guthe, troubled by the long arm of the coincidence, assumes that the first account is allegorical, while the second is a real incident.

⁴³ Cf. Pfeiffer, *op. cit.* p. 567.

⁴⁴ The first is the translation of the Jewish Publication Society, the second of the American Revised and Standard Revised Versions.

Now, it is true this view does justice to the syntax of the adverb *'ōdh* ("said again") in 3.1, as against those who construe it with the verbs "go and love," as will be noted below. But this virtue aside, the theory of two distinct incidents in Hosea's life suffers from several grave drawbacks. The basic similarity of the incidents in the two accounts cannot be ignored. In both, the prophet is commanded by God to marry a woman of low repute (1.2; 3.1). In both, there is a temporary period of estrangement (2.4 ff.; 3.3). In both, the conclusion of Hosea's personal experience is not given explicitly, but dissolves into the parable of the reconciliation of God and Israel (2.16 ff.; 3.5). In both, this Divine forgiveness parallels a reconciliation between the figures in the human drama. The inference that there was such a reconciliation between Hosea and his wife is certain, not only because without it the whole point of the parable is lost, but also by the actual language in the text. The passage 2.22 f. is surely the formula of a human betrothal, while 2.25 and 2.3, which conclude the prophecy, mention Hosea's children by name and thus specifically relate to Hosea's family life. It is stretching the long bow of coincidence very far to say that the Prophet underwent so unusual an experience not once but twice.

Moreover, this theory, in its laudable zeal for the rehabilitation of Gomer, gives the phrase *'ēšeth z'ēnūnīm* a very forced meaning. Granted that the phrase may be less condemnatory than *zōnāh*, "harlot," it must nevertheless carry a negative connotation stronger than "a woman of poor surroundings."

This theory encounters additional and even more striking difficulties in chapter 3, as already set forth in our summary of the narrative. That we are dealing here with a married woman and not a street-walker is abundantly clear from a) the verb *nā'aph* "commit adultery," b) the verb *nākar* "purchase, in marriage," c) the price indicated for the woman, which is a purchase price and too high for a harlot's wage (*'ethnān*) d) and the use of *tēshbhīlī*, which implies a wife's dwelling in her husband's house. Moreover, the command, "love (*'habh*) a woman" (3.1), implies that there was a period of intimate relationship before the separation. Finally, the phrase "many days shalt thou sit" (v. 3) definitely implies that the period of separation is not permanent but will be succeeded by a restoration.

5. By a process of elimination, there is the only remaining possibility — that we have two accounts of the same experience, a view which avoids the difficulties set forth above.⁴⁵ That some scholars have nevertheless preferred one of the other views is due to two problems which have not been satisfactorily solved by the proponents of this view. The first is the meaning of *'ōdh* in 3.1, and the second, the purpose and significance of the two accounts.

With regard to the syntax of 3.1, some have attempted to argue that the Masoretes construe *'ōdh* with *lēkh* by placing the disjunctive accent *r'bhī'a* on *'ēlai*. Actually no conclusion may be drawn from the Masoretic accentuation, since *'ōdh* is also marked by a disjunctive accent *y'ṯhīb*, so that the adverb stands apart both from the preceding and the following word.⁴⁶ Evidently the Masoretes preferred to leave the problem of construing the adverb to the reader! What is of greater moment, there is no sound warrant for construing *'ōdh* with *lēkh* "go" which follows. In the meaning of "again," *'ōdh* invariably follows its verb.⁴⁷ An exact syntactic parallel to our passage occurs in Ex. 4.6:

וַיֹּאמֶר ה' לוֹ עוֹד הִבֵּאתָ יָדְךָ בְּסִימִי

"The Lord said to him again, 'Place thy hand in thy bosom.'"
The only sound procedure is to construe *'ōdh* with the preceding verb, "The Lord said to me again." But what is the meaning of this opening clause in 3.1? It has been suggested that the adverb was added by an editor who, having the other account before him, felt it incumbent to take note of this second call to Hosea by adding the adverb "again." On that basis, it has

⁴⁵ So Steuernagel, Kittel, Eissfeldt, T. H. Robinson, Tur-Sinai.

⁴⁶ See W. Wickes, *A Treatise on the Accentuation of the Twenty-One So-called Prose Books of the O. T.* (Oxford 1887) pp. 10, 19, 106.

⁴⁷ E. g. Gen. 4.25; 9.1; 18.29 and often. Cf. Brown-Driver-Briggs, *Lexicon*, s.v., section c, p. 729a. To be sure, BDB adduces seven instances where *'ōdh* precedes the verb (Hos. 12.10; Jer. 31.3, 4, 22; 32.15; 33.12-13). They are, however, all instances of prophecies where the verb is in the imperfect and *'ōdh* has the meaning "yet," e. g. Jer. 31.3 עוֹד אֶבְנֶה וְנִבְנֶה "I will yet rebuild thee"; Jer. 33.12 עוֹד יִהְיֶה בְּמָקוֹם הַזֶּה "there will yet be in this place." Oort in *Theologisch Tijdschrift* vol. 24, p. 355, does not adequately distinguish the various meanings and uses of the adverb.

been deleted.⁴⁸ Getting rid of obstinate facts in favor of a theory can hardly be described as sound scientific method.

We believe that a solution to the problem is available which does not do violence to the phenomena. We suggest that *the two accounts represent two interpretations by the prophet of the same experience, but at different periods in his career and from varying viewpoints*. In other words, the two accounts are the records of two revelations to the prophet, and the opening clause in 3.1 refers to the second revelation: "The Lord spoke to me again" i. e. on the same theme.

The nub lies in the answer to the second question: What is the purpose of the two accounts? The many similarities in the two narratives which we have set forth above have of course been noted by scholars, and they demonstrate that one incident and not two are referred to. But attention has not been focussed on the differences in the two narratives (A, chap. 1-2; B, chap. 3) which are of basic significance:

Account A revolves about the children, whose names in their original form dramatize the prophet's denunciation of Israel, while their changed forms emphasize his hopes for the repentance of his people. Account B makes no mention of the children at all.

On the contrary, Account B stresses the period of separation which will serve as penance for Israel's sin, devoting two verses (3.3-4) out of five to this theme. Account A, on the other hand, speaks at length of Israel's discomfiture and punishment (2.5-15), but makes only a very brief reference to Israel's penance (2.15a). Nor is there any mention of a period of separation after Israel becomes conscious of her faithlessness.

While account A speaks of the reunion of Judah and Israel (2.2), the second account goes further and links the return to

⁴⁸ This is the view of T. H. Robinson. Tur-Sinai offers two alternative explanations of 'ōdh: 1) that we have here a fragment of an autobiography which contained other prophecies, hence "The Lord spoke to me again" or 2) God had to urge him again and again to marry the woman (*op. cit.*, p. 311). The first suggestion creates a hypothesis of far-reaching scope for which no other evidence exists. As for the second, it is doubtful whether the clause carries the nuance proposed. Tur-Sinai's own doubts are, of course, indicated by his double suggestion.

God with a return to the Davidic dynasty (3.5). To be sure, critics have deleted these and all other references to Judah in *Hosea*.⁴⁹ However, this is an arbitrary procedure which effaces a very significant element in Hosea's activity, indeed, in the outlook of all the Hebrew prophets, as will be indicated below.

The differences between the two accounts find a natural explanation in the chaotic conditions of the closing years of the Northern Kingdom, which coincided with Hosea's prophetic activity.

Account A may be dated with considerable certainty as emanating from the period before 743 B. C. E. The passage in 1.4, "I shall visit the blood of Jezreel on the house of Jehu," which foretells the doom of Jehu's dynasty, must precede the murder of Zechariah, the last scion of the dynasty, which took place in that year.⁵⁰ At that time, more than twenty years before the destruction of Samaria, the state is basking in apparent prosperity and well-being, the heritage of Jeroboam the Second's able and successful reign. Hosea, beginning his prophetic career, is imbued with the optimism of youth with regard to his calling. Like Amos, he is aware of the inner corruption and weakness beneath the façade of national self-confidence. But he has hopes that his words will lead the people to repent their betrayal of their God. Without that hope, his activity would be meaningless.

⁴⁹ Kaufmann (*op. cit.*, p. 100) and Tur-Sinai (*op. cit.*, p. 307) rightly protest against the wholesale excision of the references to Judah in the book. Actually, when each passage is studied independently, on the basis of relevance of context and literary form, the authenticity of most of the references to Judah becomes clear. That 2.2 and 3.5 are fundamental to Hosea's theme, will be shown below. In 4.15, יהודה is a conscious scribal change for יהוה (cf. R. Gordis, "Studies in the Relationship of Biblical and Rabbinic Hebrew" in *Louis Ginzberg Jubilee Volumes* (New York, 1945) English section, pp. 195 f. The reproof heaped upon Judah in 5.5 and 5.10 militates against the assumption of a later interpolator, who might be expected to exalt Judah, not to condemn it. This consideration in favor of the integrity of the text is re-enforced by the meter in 5.13; 5.14; 6.4 (note the plural חֲסִידֶיךָ); 12.1, 3 and by the chiasmic parallelism in 8.14. The meaning of 6.11a is unclear. On the other hand, 1.7 and 10.11 may be instances of interpolations.

⁵⁰ Y. Kaufmann's emendation seeks to get rid of the greatest obstacle to his theory but is thoroughly unconvincing. See notes 3 and 53.

He therefore castigates the people and warns them of the imminent destruction, by giving symbolic names to his children. But the headlong plunge to national catastrophe (II Kings 15.8 ff.) cannot be averted by the prophetic word. The regicide of Zechariah after six months is followed by that of Shallum within one month. The next king, Menahem (743-737 B. C. E.), is forced to pay a tribute of one thousand silver talents to Tiglat Pileser in 738. His son, Pekahyah, is murdered two years after he ascends the throne by Pekah, whose ill-fated effort to throw off the Assyrian yoke leads to the loss of Galilee and Gilead in 733, and to his murder by Hosea, who is a vassal of Assyria. When he attempts to revolt, condign punishment is the result, and the destruction of Samaria takes place in 721.

In these calamitous last days, Hosea no longer feels that there is any chance of saving the state. Both during the final agonies of Samaria and the bleak, hopeless days following its destruction, Hosea develops a new facet of his activity. His concern is with the people of Israel, the bulk of whom remained in the land after the Assyrian victory.⁵¹ Not destruction, but consolation now becomes the burden of his teaching.

It is a pattern which was to be repeated again and again by the prophets of Israel. Thus Isaiah, who had opposed Judah's resistance to the Assyrian overlord, and announced the doom of the country, changes his attitude in the critical hour when Senacherib's hosts threaten the Holy City (Isa. 36-38). Similarly Jeremiah, who had urged submission to Babylonia and foretold the dire consequences of rebellion, becomes a messenger of

⁵¹ That this is the intent of II Kings 17.27 ff. is clear from many facts. Sargon II claims to have taken 27,290 Israelites into captivity. Undoubtedly exaggerated, as all Assyrian military claims are, it represents a fraction of the population. Judean prophets continue to consider Israel a living entity (cf. e. g. Jer. 31.19; Ezek. 37.15 ff.). That the seventh-century Judean kings regarded Northern Israel as *terra irredenta* (see e. g. Albright in *JBL*, vol. 61, 1952, p. 252) argues for a substantial Israelite population in these areas after 721. Hezekiah actively seeks to win the religious loyalty of the North Israelites for the Jerusalem sanctuary after the destruction of Samaria, his efforts winning varied success (II Chron. chap. 30, cf. particularly vv. 6, 10, 11). The account in W. F. Oesterley and T. H. Robinson, *A History of Israel* (Oxford, 1932) vol. I, pp. 376 ff., which assumes a high degree of depopulation, is to be corrected accordingly.

hope and rebuilding when the blow descends (Jer. chap. 30; 32), and despair grips the people. His younger contemporary, Ezekiel, who had foretold the same catastrophe and had gone into exile himself, undergoes the same metamorphosis from despair to faith. When the exiles are convinced that "all hope is lost, we are utterly cut off" (37.11), he experiences the Vision of the Valley of Dry Bones. Like Jeremiah, he looks forward to the reunion of Judah and the survivors of the Kingdom of Israel (37.12-14, 15-28). Elsewhere we have suggested that Amos, Hosea's older contemporary, after his trying experience with Amaziah at Beth-El, transferred his hope and desire for the survival of his people from the Kingdom of Israel to that of Judah.⁵²

A similar shift of emphasis takes place in Hosea's thought, after all outward signs seem to point to the death of hope. It is upon Israel's restoration that Account B places its accent. It does not refer to the children, whose birth had taken place two decades before, and whose names, with their message of warning, no longer have relevance to the life of a broken people. The story of his wife's infidelity, symbolic of Israel's attitude to its God, is summarized in a brief phrase. Instead, it emphasizes God's love for Israel. Its basic theme is that a period of penance must necessarily intervene before reconciliation can come. During this period, there will be no independent political life for the Kingdom of Israel and no practice of the accepted religious ritual, *to both of which Hosea is opposed*.⁵³ The existence of a separatist Northern state and the succession of royal assassinations are both repugnant to him, as are the idolatrous and syncretistic religious practices of the people.

The theme of 3.4, as Tur-Sinai has acutely noted, is very similar to the passage in II Chron. 15.3-4: "Now for long seasons

⁵² Cf. "The Composition and Structure of Amos" in *Harvard Theological Review* 1940, vol. 33, pp. 237-251. On the unity and integrity of *Amos*, which is there defended in terms of Amos' outlook on Judah and Israel, as well as other considerations, see now W. S. McCullough, "Some Suggestions About Amos" in *JBL*, vol. 72, 1953, pp. 247 ff.

⁵³ On his attitude to public worship, see Hosea *passim*. On the institution of the kingship, cf. Hosea 8.4 and perhaps 7.5. This point of contact with chapter 3 is another refutation of Kaufmann's insistence that there are no resemblances between Hos. chap. 1-3 and 4-14.

Israel was without the true God and without a teaching priest and without law; but when, in their distress they turned unto the Lord, the God of Israel, and sought Him, he was found of them." The spirit of Hosea's utterance, however, is quite different. While the Chronicler anticipates the *restoration* of these absent features of the national life, which he favors, Hosea looks forward to their permanent *elimination*. The Baal worship will be replaced by a sincere return to the God of Israel and the Northern Kingdom be replaced by reunion of Israel with Judah under the Davidic dynasty. Verses 4 and 5 thus stand in direct contrast with each other, in a chiasmic arrangement. The present status "without a king or lord" (v. 4b) is opposed by Israel's return to "David their king" (5c) and the absence of "sacrifice or pillar, ephod, or teraphim" (4c, d) is replaced by Israel's future loyalty to "the Lord their God" (5b), when "they will come in trembling to the Lord and His goodness in the end of days."

This emphasis upon a united Hebrew nation, as representing the Divinely ordained consummation of Israel's history, is a basic attitude of the Prophets, who helped forge a sense of national unity out of the clan loyalties of the nomadic period. Whether the Division of the Kingdom represented a true secession, as tradition maintains, or simply a dissolution of the dual monarchy, as some modern students have suggested, the standpoint of the Biblical historians, who wrote in the spirit of the Prophets, is clear — for them Jeroboam's act was a national crime and a heinous sin against God. Hence Jeroboam ben Nebat and his successors are invariably stigmatized in blackest colors in the Book of Kings (I Kings 14.8 ff., 16 and *passim*), while the literary prophets look forward to a reunited Hebrew nation.⁵⁴ For whether they were northerners or southerners in origin, all the prophets regarded themselves as sons of the people of Israel and became the authentic creators of Hebrew nationalism.⁵⁵

⁵⁴ Cf. S. W. Baron, *A Social and Religious History of the Jews* 2nd ed. (New York 1952) p. 94: "For (the Biblical historian) the people of Israel and Judah are an indivisible unity."

⁵⁵ On the prophetic concept of nationalism cf. S. W. Baron, *op. cit.* pp. 96 ff.; *idem*, *Modern Nationalism and Religion* (New York 1947) pp. 213 f.,

To be sure, for the prophets, national patriotism was not the ultimate ideal but the gateway to the more universal loyalty to humanity. That development, however, for which Amos, Isaiah, and Deutero-Isaiah were principally responsible, never denied the worth of nationalism, which was to be cultural in content and moral in expression, recognizing the over-arching sovereignty of God. Before that level could be reached, the hatreds and suspicions of tribal and sectional divisions had to be conquered by a sense of loyalty to the undivided people of Israel. It was to this task that Hosea, like Jeremiah and Ezekiel after him, addressed himself.

This ideal of national unity, which the prophets had helped to fashion during the period of political independence, they succeeded in preserving after the destruction of the state. In a time of apparent prosperity and power, they announced the inevitable catastrophe. But when the blow had descended upon the wayward people that they loved, they again contradicted the obvious realities and sounded a message of hope and reconstruction.

Hosea stands in this tradition. He had undergone a soul-shattering personal experience. Twice he turned to it during his subsequent career and found in it appropriate guidance for his people. So long as there still was hope for the nation, he utilized his personal tragedy to dramatize the theme of Divine chastisement, Israel's repentance and God's forgiveness. Two decades later, when the national life of the people was all but destroyed, he discovered a new meaning in his personal suffering and moral triumph — and he used his dearly won insights to sound for his people the note of regeneration through unity and faith.

THE POSITION OF CHAPTER SIX IN THE BOOK OF ISAIAH

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WHETHER one accepts the view generally held that the Vision of the Divine Throne contained in the sixth chapter of the Book of Isaiah marks the beginning of Isaiah's prophetic activity,¹ or agrees with those who maintain that this Vision came to him only after some years of experience in the prophetic office,² the question regarding the present position of ch. 6 is, in either case, pertinent. In order fully to comprehend the reason why this chapter is in its present place, it is necessary to view it first, in relation to the five chapters which precede it; secondly, in relation to ch. 5 in particular; and lastly, in relation to the two chapters which follow it.

Though from the standpoint of their contents, chaps. 1-5 are far from being a solid unit, externally nevertheless they are connected by a striking similarity of expressions. Ch. 1 opens with two selections, namely, vv. 2-9 and vv. 10-20, whose common characteristic is the use in the exordium of the synonyms "hear" and "give ear" (vv. 2 and 10). In the first selection the prophet, in the course of the "Great Arraignment," upbraids his people that "they have despised the Holy One of Israel (v. 4)." At the beginning of the second selection Israel is bidden to "give ear to the Torah of our God (v. 10)."³ This is

¹ See for example R. H. Pfeiffer, *Introduction to the Old Testament*, p. 429.

² So M. M. Kaplan in *JBL*, 45 [1926]: 251-9; A. Kaminka, *Mehkarim be-Mikra*, I, Tel-Aviv 1938, pp. 84-6; and Yehezkel Kaufmann, *Toledot ha-Emunah ha-Yisreelit*, vol. III, Book I, Tel-Aviv 1947, p. 207.

³ In passing it may be noted that the mention of Torah in the opening chapter of the Book of Isaiah accounts for the first place assigned to it in the current order of the books of the Latter Prophets. For, according to the well known *Baraita* in *Baba Batra* 14b, the order of the Latter Prophets is Jeremiah, Ezekiel, Isaiah, the Twelve; and Ruth, not the Book of Psalms, stands at the head of the Hagiographa. The reasoning in back of the present

immediately followed by the prophetic definition of Torah in the form of a statement as to what God, or His Torah, *does not* want and what He (or His Torah) *does* require of His devotees (vv. 11-17). Turning now to ch. 5, we note that, following the six "Woes (vv. 8-23)," the doom of the nation is given the following justification: "because they have rejected the Torah of the Lord of hosts, and have despised the word of the Holy One of Israel (v. 24)."⁴ Accordingly, ch. 5 ends on the same note as ch. 1. It is further to be observed that the two principal designations of the Deity in chaps. 1-5 are the favorite Isaian phrases "the Holy One of Israel" and "the Lord of hosts." Whereas, however, the epithet "the Lord of hosts" occurs in all of these chapters except 4,⁵ the epithet "the Holy One of Israel" which is found for the first time at 1.4 does not recur until ch. 5. Moreover, while beginning with ch. 1 and up to 5.9 the epithet "the Lord of hosts" appears independently, in ch. 5 vv. 16 and 24 it appears, in parallelism, together with the epithet "the Holy One (of Israel)."

In view of the above considerations, the inference may be drawn that ch. 6 was placed in its present position because it was felt that it constitutes an appropriate climax to the five preceding chapters which are linked together by a similar opening and closing (1.4 and 5.24). In chaps. 1-5 God is represented either as the Holy One of Israel, or as the Lord of hosts, or as both in synonymous parallelism. On the other hand, in ch. 6 the Holy One and the Lord of hosts are not only equated by "holy is the Lord of hosts (v. 3)," but He who in the previous chapters was characterized as the Holy One of Israel is here conceived as the Holy One whose glory fills the whole earth.

arrangement must apparently have been that inasmuch as the Former Prophets open with a chapter that points back to the Torah (Josh. 1.8), the Latter Prophets, as well as the Hagiographa, must do likewise. Hence Isaiah with its reference to Torah in 1.10 occupies first place among the books of the Latter Prophets, and the Book of Psalms, in which 1.2b is an echo of Josh. 1.8a, heads the Hagiographa.

⁴ Especially telling is the use of *qadosh* in both 1.4 and 5.24.

⁵ 1.9, 24; 2.12; 3.1, 15; 5.7, 9, 16, 24.

Thus in sharp contrast to chaps. 1-5 which particularize God, a climax is reached with ch. 6 which universalizes Him.

Let us direct our attention now to the special relationship which obtains between ch. 6 and the chapter immediately before it. As has been observed, the appellative "the Holy One of Israel" whose first occurrence is at 1.4 does not reappear until ch. 5. At this point it should be noted that, as though for the sake of emphasis, reference to God's holiness is made in three different verses⁶ of ch. 5, namely, v. 16: "God the Holy One;" and vv. 19 and 24: "the Holy One of Israel." In striking contrast to the reference to Divine holiness in three separate verses of ch. 5 stands the Thrice-Holy in one verse of ch. 6 (v. 3). The progression is accordingly complete: one mention of the Holy One of Israel in ch. 1; the threefold mention of the holiness of God in three separate verses of ch. 5; and the threefold mention of God as holy in one verse of ch. 6. Viewed in this light, ch. 6 with its Trisagion must have been regarded as a fitting sequel to ch. 5, in which God as holy is referred to three times.

From the standpoint of the present sequence of chapters, ch. 6 is not only appropriately placed in relation to the five chapters which precede it and in special relation to the chapter immediately preceding it, but also in relation to the two chapters which follow it. For in ch. 6 God is for the first time in the Book of Isaiah identified as King (v. 5).⁷ In contrast to the Divine King, chaps. 7-8 take up the subject of two human kings who form the Syro-Ephraimitic alliance (7.1) with the avowed purpose of placing another king on the throne of Judah (7.6). Whereupon King Ahaz is obsessed by fear (7.2, 4). But a still greater terror lies in store for him in the person of the king of Assyria (7.17-8.8). Nevertheless, a note of assurance and comfort is sounded in these significant words: "Be not in dread. But the Lord of hosts, Him you shall regard as holy; let Him be your fear, and let Him be your dread (8.12-13)." In view,

⁶ On the threefold repetition of words and phrases for the sake of emphasis, in another connection, see U. Cassuto, *Me-Adam Ad Noah*, 2nd ed. Jerusalem 1953, pp. 6, 40.

⁷ Subsequently found in 24.23, 33.22, 41.21, 43.15, 44.6 and 52.7.

therefore, of the contents of chaps. 7-8, ch. 6 must have been deemed properly placed, affirming as it does the kingship of God.

In sum, from the point of view of the present order and arrangement of the chapters, ch. 6 is a suitable conclusion to the chapters before it, and an equally suitable introduction to the chapters which follow.

In conclusion it may not be amiss to venture a suggestion with respect to the motive which seems to have prompted the insertion of three separate superscriptions in the Book of Isaiah. Although the superscription contained in 1.1 already informs the reader that the prophecies which are to follow are "the vision of Isaiah the son of Amoz, which he saw etc.," nevertheless the clause "that Isaiah the son of Amoz saw" is repeated in two, and only in two, other chapters of the book, namely, in the superscriptions of chaps. 2 and 13. It is no mere coincidence that each of these superscriptions introduces a different category of prophecy: 1.1, a prophecy of denunciation; 2.1, with its portrayal of the golden age to come (vv. 2-4), a prophecy of consolation; and 13.1, a series of prophecies concerning foreign nations. The three superscriptions at 1.1, 2.1 and 13.1 respectively, apparently were intended to correspond to the three genres of utterances pronounced by the prophet and incorporated in the book which bears his name. Noteworthy in this connection is the fact that though *חזו* occurs in each of the superscriptions, nevertheless, in order to focus attention on the difference between the three types of prophecy, the first is designated *חזון* (1.1); the second, *דבר* (2.1); and the third, *משא* (13.1).

THE LOSS OF WORDS AT THE ENDS OF LINES IN MANUSCRIPTS OF BIBLICAL POETRY

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WE HAVE no way of knowing precisely how the manuscripts of Hebrew texts, now incorporated into the Bible, may have been written in the pre-exilic and early post-exilic periods of Jewish history. We may be reasonably sure that originally each of the books of the Bible, outside of the Hexateuch, and probably also Ezra, Nehemiah and Chronicles, stood by itself in manuscript form as an independent literary production. Each such manuscript undoubtedly exhibited in form and technique the individual characteristics of its original scribe and of his succession of copyists. Even if we accept the earliest date hitherto proposed by authoritative scholars for the manuscripts recently discovered in the 'Ain Feshka cave near the Dead Sea, namely the first half, or even the first quarter, of the second century B. C., we are still at least two full centuries removed from, let us say, the time of the composition of the Priestly Code or of the putting into written form of the majority of those prophetic utterances which are designated by most scholars as Trito-Isaiah. During just these two centuries Hebrew was gradually superseded by Aramaic as the vernacular of the Palestinian Jewish community. Likewise during this period the use of the so-called square Hebrew script replaced almost completely the older system of Hebrew writing. Whether in this process scribal techniques changed correspondingly, and if so in what way and to what degree, we can not tell. What, for example, may have been the appearance of a manuscript of the Book of Isaiah written in the ancient script and according to the norms which guided early scribes in their professional labors, we are no longer able to determine.

Whether, as a further example, in recording Hebrew poetry in written form the early scribes took cognizance of metric

units, such as the distich and the tristich, and wrote down such metrical units in one single line, is another question which we can not answer with certainty. In the Dead Sea Isaiah manuscripts such is not the procedure. But it may well be that by the time of the composition of these scrolls awareness of the principles of Hebrew metrics had, no doubt for a multitude of reasons, ceased almost completely. This fact might easily account for the seeming total disregard of metrics by the scribes who produced these scrolls. But it is not at all impossible, nor even improbable, that earlier scribes, much closer to Hebrew as a living language, may have understood the principles of Hebrew meter more thoroughly and sympathetically and so may have inscribed all poetic writings extant in their day, some of which are now included in the Bible, in such form that each line of their manuscripts recorded a single metrical unit, as they understood it. In fact it would be somewhat surprising had such not been the case, for this system of scribal recording of poetry seems to have been general among the Sumerians, Babylonians and Assyrians.

One additional consideration tends to support this hypothesis, namely the loss of words at the ends of metrical units, distichs or tristichs as the case may be, in various poetic writings of the Bible. Words seem to have disappeared from the ends far more frequently than from other places within the structure of such metrical units. If we may assume that these metrical units were written regularly each as a single line, so that the last word or words of each unit, especially if it were fairly long, would naturally be written close to the left-hand edge of the piece of writing material, whatever it may have been, then the loss of words at the ends of metrical units, coinciding, as they did, with ends of lines in the manuscript, can be easily accounted for. For it is a well-known fact that deterioration of manuscripts sets in at the edges more readily than elsewhere. Moreover, the normal scribal procedure was to leave a certain space between the right-hand edge of the manuscript and the beginning of the written lines. It was this procedure which, in large measure, created the visual impression that these manuscripts were written in columns, as it were. On the other hand, if the metrical unit,

and therefore the written line, were long, the last word or words might well reach all the way to the left-hand edge of the manuscript, or even, if need be, be extended by the scribe vertically along this left-hand edge. Should then in the course of time disintegration set in at this edge, it would tend immediately to obliterate such words as were written along or close to this edge, while the remainder of the line would be left intact. Thus it would come about naturally that words at the ends of metrical units would be lost much more easily and frequently than from other parts thereof.

Of course this circumstance must have been quite as frequent with prose texts as with poetry, with, however, one essential difference. With prose texts the scribe felt no urge nor compulsion to crowd too much on to one line. In writing or copying prose the scribe could at any point in the text, when he reached a safe and proper distance from the left edge of the writing material, drop down to the next line and continue there. Therefore it was easier in writing or copying prose texts to leave just as wide and safe a margin upon the left side of the manuscript as upon the right side. It is reasonable to assume therefore that in manuscripts of prose texts too words at the ends of lines may have been lost through the deterioration of the manuscript at the left-hand edge, but that this circumstance was considerably less frequent than in the manuscripts of poetic texts. No doubt many lacunae crept into prose texts of the Bible in this manner.

However, while the loss of words for this reason was undoubtedly considerably more frequent in poetic than in prose writings, it is at the same time much easier to detect such losses in poetic than in prose texts, and at times even to recover the missing word or words with reasonable assurance. In the first place, the exigencies of meter indicate quickly and with no little measure of certainty where and to what extent a word or words may be missing. In the second place, the principle of parallelism, a basic consideration in Hebrew poetry, as every Biblical scholar knows, oftentimes suggests what the missing word or words, or at least what the missing thought or idea, must almost certainly have been. And in the third place, the principle of chiasm, an artistic device employed with great

frequency in Biblical Hebrew poetry, in many cases prompts or supports a suggestion as to what the missing word or words may have been. By the application in proper manner of these three principles it is possible to recover words missing at the ends of lines in Hebrew poetry with far greater frequency and with a much larger degree of certainty than is the case in Hebrew prose.

We shall now proceed to test the validity of this three-fold hypothesis, (1) that in early manuscripts metrical units, distichs or tristichs, were written as a rule on single lines; (2) that through deterioration of manuscripts through various causes, which manifested itself at the left-hand edges, the closing word or words of lines were frequently lost; and (3) that occasionally, and even fairly frequently, it is possible to recover the missing thought, or even the missing words themselves, with a reasonable measure of certainty by the application of the three distinctive principles of Hebrew poetry, (a) meter, (b) parallelism, and (c) chiasm.

We shall test this hypothesis by the consideration of a number of passages culled from the Book of Amos and from Isa. 34-35: 40-66. And first, two interesting passages from Amos. .

AMOS 8.13

The present text reads:

ביום ההוא תתעלפנה הבתולות היפות והבחורים בצמא

This v. manifestly consists of two stichoi, with parallelism of thought and definite indication of corresponding parallelism of form between them. The caesura between the two stichoi must come between היפות and והבחורים. But it is plain that the two stichoi are completely out of balance in length and in the relative number of beats. As they stand now, the first stichos contains five words, each emphatic, and therefore five beats; the second stichos, in turn, contains only two words or beats. Clearly five words or beats in the first stichos are too many, and, on the other hand, two words in the second stichos, seem to be too few. The maximum number of beats permissible in a stichos, according

to the rules of Hebrew poetry, is four. It is not possible to divide these five words of the first stichos into two stichoi, for this would necessitate, in the first place, putting the caesura between the verb and its subject, an exceptional and disturbing procedure, to be avoided wherever possible. In the second place, the unity of thought within the stichos would be destroyed completely, while at the same time there would be no parallelism whatever between these two resultant stichoi. Unquestionably the stichos in its present form is overloaded, has at least one word, and perhaps even two words, too many. There can be no question wherein this excess of words consists.

That the v. refers to the *Yom Yahweh* is indicated clearly by ביום ההוא at its beginning. Plainly it continues the somber picture of that awful day begun in v. 9 and continued in v. 10. Furthermore, a moment's thought must reveal that vv. 11-12, whether coming from Amos or not, are distinctly out of place where they stand, for they break the manifestly primary unity and continuity of thought between vv. 9-10 and v. 13. Realizing this, it becomes clear immediately that the words, ביום ההוא, at the beginning of v. 13, following so closely upon the same expression in v. 9, are not only entirely superfluous here, but are also inelegant stylistically and even disturbing. Plainly they are an editorial gloss, inserted after vv. 11-12 had been interpolated here, in order to indicate that v. 13 resumes the picture of the *Yom Yahweh*, begun in vv. 9-10 and interrupted by the interpolation. With these two words omitted, the v. begins to take shape.

However, when one reads what remains, it seems at first glance to be a 3/2 distich, with parallelism between the two stichoi, as indicated by the contrasting words, הבחולות and והבהורים. But as one reads again and senses the poetic quality of the v., one can not escape the impression that it ends very abruptly and also inelegantly, quite as if a word were missing at the very end. The supplying of this missing word, if that be possible, would make this v. a 3/3 distich, and thus make it correspond to the metrical form of vv. 9-10 and to the general metrical pattern of all the *Yom Yahweh* passages in the prophet's address. This missing word must, of course, be a verb, the

meaning of which would parallel closely that of the verb of the first stichos, תתעלפנה. Furthermore, inasmuch as תתעלפנה now stands at the very beginning of the first stichos, this verb, coming at the very end of the second stichos, would create a perfect chiasmic relationship between the two stichoi, with this word-arrangement, verb: subject:: subject: verb.

One further consideration, syntactical in character, confirms the assumption that a verb has been lost at the end of the distich. As the text stands now והבחורים must be linked with הבתולות as the subject of תתעלפנה. This verb is in the third person, feminine, plural, in close accord with the nearer of its two seeming subjects, הבתולות. But the precedence of the feminine noun over the masculine when both words together have a single and common predicate is surprising and inelegant, to say the very least. Had the prophet wished to say no more than what the sentence, as now phrased, implies, he would certainly have said:

י תעלפו הבחורים והבתולות היפות בצמא

This would have been excellent prose, but in no wise would it have had poetic character, for it would have lacked completely both metrical form and parallelism. The supplying of the missing verb changes all this completely, recovers both meter and parallelism, both now missing, and likewise, as we have already noted, creates an effective chiasm in the distich. What could this now plainly missing verb have been?

However, before proceeding to answer this question, attention must first be directed to one other textual matter. Although finding no support whatever in the versions, the context makes plain that in v. 10 for the plural, הַגִּיכֶם, we must read the singular, הַגִּיכִּי. It must be understood that already in Amos' day it was the confident expectation of the Israelite people that the *Yom Yahweh* would usher in a new era in world-history, an era in which Yahweh, Israel's god, would become supreme over all other gods, the gods of other nations, and Israel, His people, would, in turn, through His support become dominant among the nations. The *Yom Yahweh*, marking the beginning of this new era, would accordingly coincide with the New Year's Day,

with some New Year's Day. It was therefore, as the New Year's Day, a festal day. It was the day of the fall equinox, the eighth and final day of a long festal period, which began with the seven days of the Asif Festival and culminated in the New Year's Day, the eighth day.¹ A day such as this was one of general rejoicing and merry-making,² of singing and dancing out in the open spaces of both city and country, particularly on the part of the young people, both youths and maidens. In this particular year, 751 B.C.,³ in the latter part of the glorious reign of Jerobeam II, the hopes of the people were running high. The power of its arch-enemy, Aram, had been broken almost a half century earlier. The fortunes of both Assyria and Egypt were momentarily at a relatively low ebb. There was no visible enemy to threaten Israel or to put a check upon its national aspirations. Economically the country was very prosperous. Militarily a few recent victories, even though seemingly of no great significance, had encouraged both the leaders and the people.⁴ Hopes were running very high. Perhaps this very New Year's Day would be the *Yom Yahweh* for which the people of all classes were waiting so eagerly.

It was upon just this New Year's Day and to this confident and expectant people that the prophet Amos came with his

¹ Cf. Morgenstern, "The Three Calendars of Ancient Israel," *Hebrew Union College Annual*, I (1924), 22-43; "Supplementary Studies in the Calendars of Ancient Israel," *HUCA*, X (1935), 53-69.

² For the general rejoicing and merry-making during the entire Asif Festival, or the Sukkot Festival, as it came to be called from the Deuteronomic period on, cf. Deut. 16.14 f. Here the verb, שמח, is used technically to describe this festal merry-making. This manner of celebrating the festival persisted throughout the entire period that the Temple was in existence, and not improbably even thereafter, since it was in no wise dependent upon the Temple and its cult, but was rather an integral element of the folk-ritual of the Asif Festival, particularly in the procedures and folk-ceremonies known as the *שמחת בית השואבה*; cf. *Mishnah Sukkah*, V, 1-4; *Talmud Babli Sukkah*, 53a.

³ For this dating of the appearance of Amos and the thesis that Amos delivered only one, single, closely unified address, cf. Morgenstern, "Amos Studies, II" (*HUCA*, XII-XIII [1937-1938], 1-53); *Amos Studies*, vol. I, 127-179.

⁴ Cf. Amos 6.13.

message of the nation's doom. And quite naturally he did not fail to make effective use of the festal character of the day and of the popular beliefs and customs associated with the *Yom Yahweh* to drive his argument and his message home. Accordingly he proclaimed that, instead of being a day of constant sunlight and brightness, inaugurated by the coming of the first rays of the rising, equinoctial sun into the temple just at dawn,⁵ the *Yom Yahweh* would be a day of darkness and gloom. Upon it the sun would be made by Yahweh to set at noon and darkness would enwrap the nation. Yahweh would turn this festal day from its customary gladness and merry-making into gloom and sorrow, and all its joyous songs would become a mourning dirge. This is the picture which the prophet begins to unfold in graphic, tragic detail in v. 10. The picture continues in v. 13. The happy merry-making and dancing⁶ of the youths and maidens will come to a sudden end. The beautiful maidens will languish and faint away and the youths will of thirst. Plainly, the complete thought here is that these youths will perish. It is tempting to supply some such word here as *יָמוּתוּ* or *יָכְלוּ*. One consideration, however, warns against this and suggests that something more than this one, single word has been lost here.

Careful analysis of v. 14 establishes with almost complete certainty two important facts. The first is that 14a can not possibly be the immediate continuation of v. 13, for beyond all question it was not at all these gay and happy youths who swore by these various foreign gods. If any one at all of the various groups within the people, whom Amos denounced for their crimes and transgressions, uttered oaths such as these, it was the avaricious and unscrupulous merchants whom Amos condemned

⁵ Cf. Morgenstern, "The Gates of Righteousness," *HUCA*, VI, (1929), 1-37.

⁶ For the dancing of youths and maidens in the vineyards upon *Yom Kippur*, that is originally, in the period preceding the inauguration of the calendar of the Priestly Code at about 400 B.C., upon the New Year's Day, cf. the above-cited "The Three Calendars of Ancient Israel," 22 f.; "Two Ancient Israelite Agricultural Festivals," *Jewish Quarterly Review* (n. s.), VIII (1917), 31-54.

so scathingly in 8.4-6. V. 14a could follow perfectly upon v. 9 and would heighten greatly the picture there presented, for it would then tell that these cunning and dishonest merchants, precisely as do their successors in the public squares and market-places of the Near East still today, supported their fraudulent commercial transactions by swearing great oaths that they were operating in perfect faith and giving honest measure. It seems reasonably certain that in the original address of Amos v. 14a followed immediately upon vv. 4-6 of the same chapter.

In the second place, it is equally certain that v. 14b is, on the one hand, not the immediate continuation of 14a, for the thoughts of the two half-verses are totally unrelated to each other. On the other hand, the thought of 14b accords perfectly with that of v. 13, and the subject of the verb, ונפלו, may well be והבחרים of v. 13, or perhaps some other synonymous term now missing. But with this it becomes equally clear that v. 14b expresses the final and climactic stage in the sad fate of these young people, and as such it must then be the second stichos of a second distich, which continued closely the thought of the first distich and told most graphically of the unhappy, catastrophic ending of the merry-making of these blithe and innocent youths and maidens upon this high, festal day. This means, in turn, that not only is one word, undoubtedly a verb, as we have suggested, missing at the end of the second stichos in v. 13, but the entire first stichos of the second, the climactic, distich in this particular unit of the prophet's address is likewise missing. Is it possible to recover not only the word missing at the end of the first distich but also this missing first stichos of the second distich? Isa. 40.28-31 may well suggest the answer to this question, and especially v. 30, where the picture conveyed is decidedly similar to that which is plainly implicit in this passage.

However, first one further emendation, quite simple in character, in v. 13. On the one hand, the statement that the youths will grow weary and exhausted from thirst is surprising in this setting. Why should these youths, engaged, in company with the maidens, in the joyous celebration of this festal day, experience thirst, and that too to the degree that it paves the way to their utter destruction still upon this same day?

The idea is utterly incongruous with the picture here presented. And on the other hand, inasmuch as הַבְּחֻלִּית is followed by a very appropriate adjective, a corresponding adjective, coming immediately after הַבְּחֻרִים and making the parallelism and the accompanying chiasm between the two stichoi complete and effective, is to be expected. Sellin, followed by Maag, suggests that בְּצִמָּא is a corruption of an original הָאֲמִיצִים. Because of the appropriateness of this adjective here and the relatively minor textual emendation which is involved, there can hardly be any question that this emendation is justified in every way.

Accordingly, basing this reconstruction primarily upon Isa. 40.28–31, we suggest that the original double-distich read thus:

תַּחֲעַלְפָּנָה הַבְּחֻלִּית הַיְּפֹת / וְהַבְּחֻרִים הָאֲמִיצִים <יִיעָפוּ>
<יִינְעוּ הַצְעִירִים⁷ וִיכְשֻׁלּוּ⁸> / וְנָפְלוּ וְלֹא־יָקֻמוּ עוֹד

Certainly thus reconstructed, the picture of the fate of the youths and maidens engaged in festive merry-making upon the *Yom Yahweh*, the day of divinely sent catastrophe and doom, is complete, vivid and effective indeed.

And at least that a word has been lost at the end of v. 13, a distich probably written originally upon a single line, seems certain beyond any doubt. The reconstruction proposed above, entirely unsupported, as it is, by any of the versions, but according perfectly with the spirit and form of Biblical Hebrew poetry, may not be quite as certain; but it may at least be justifiably regarded as reasonably certain. That it agrees perfectly with the prophet's thought at this point and with the general tenor and spirit of his message is beyond question. Not improbably

⁷ For צעירים with the connotation, "young people," presumably of both sexes, cf. Jer. 14.3.

⁸ The supplying of ויכשלו here is based, of course, primarily upon Isa. 40.30. Stumbling would be the action resulting from becoming exhausted (וייגעו), while falling helplessly to the ground (ונפלו) would follow immediately upon the stumbling. For the sequence, כשל ונפל, cf. Isa. 3.8; 8.15; 31.3; Jer. 46.6, 16; 50.32; Ps. 27.2; Dan. 11.19. Manifestly it was a natural and frequently employed cliché. For the sequence, עיף וכשל, cf. Isa. 5.27. All these passages with their implications evidence the reasonableness and probability of the textual reconstruction here proposed.

it was the transfer, no doubt through some scribal error, of v. 14a from its original place to this spot which brought about the loss of the original first stichos of the second distich here.

The passage may be translated thus:

On that day the beautiful maidens shall faint,
And the vigorous youths grow weary;
The young people shall become exhausted and stumble,
And shall fall, to rise no more.

AMOS 2.13

In its present form in *MT* this v. reads thus:

הנה אנכי מעיק תחתיכם כאשר תעיק העגלה המלאה לה עמיר

That it is a v. considerably longer than is customary in Biblical poetry is self-evident. Accordingly if, as seems quite natural, it constituted in its original form a single metrical unit, and so was inscribed upon a single line, we can readily imagine that the final word or words reached to the left-hand edge of the manuscript, and thus may easily have been lost through deterioration of the manuscript at this edge.

The v. is fraught with textual difficulties and therefore has troubled Biblical scholars to no small degree. In the first place, the verb, עיק, used twice in this one v., occurs in no other passage in all Biblical writings. Some scholars equate the word with the Rabbinic Hebrew verb עיק, which in the Hif. means "to press; to distress." They translate accordingly:

Behold, I will press you down in your place,
Just as the wagon full of sheaves presses down (the earth
or the threshing-floor).

Proksch goes even so far as to propose the interpolation of הארץ after תחתיכם. This interpretation ignores or else deliberately excises לה. In this it follows all the versions. Aquila even omits המלאה לה עמיר. That the thought which the v., thus interpreted, is made to express, is vague, ineffective and unsatisfactory is apparent almost at a glance. Marti accordingly offers a different

interpretation of the v. He correlates the verb עֹקֵץ with the Arabic عَوَق, which in the second conjugation, عَيَّقَ, has the connotation "to cry out." Linking this with Aquila's rendering of the verb by τριξω and V's rendering of it by *strideo*, he translates:

Behold, I cause to squeak underneath you,
Just as the wagon full of sheaves squeaks.

This rendering too ignores לָהּ; and its resultant meaning likewise fails to express a thought essential to, or even in harmony with, its setting or with the message of the prophet.

Other scholars, notably Hitzig, Steiner, Reuss, Wellhausen and Nowack, emend מַעִיק to מַפִּיק and תַּעִיק to תַּפִּיק, and then render the v. thus:

Behold I cause the ground beneath you to sway,
Just as the wagon sways which is full of sheaves.

This rendering too disregards entirely the presence of לָהּ in the v. This interpretation of הַחֲתִיכִם is, moreover, somewhat arbitrary and forced. Furthermore, if this be a threat of divine punishment of Israel or of its doom at the hand of God, as indeed it seems to be, then it can not be denied that this is a rather colorless picture and of somewhat uncertain meaning. The swaying of the ground beneath the people could hardly mean aught but an earthquake; but surely, after recording in 4.11 that the Deity had once before punished Israel with a severe earthquake in order to discipline it, the prophet would scarcely now announce nothing more than another earthquake as the instrument of its further divine discipline or even of its ultimate doom. Certainly from the consideration of thought alone this interpretation can hardly be regarded as convincing. Furthermore, with the text reconstructed as these several scholars propose, it would fall into the 3:4 meter; and this contravenes the rule of Hebrew metrics, that the second stichos of a distich may not exceed the first stichos in the number of beats. For various reasons this interpretation of the v. must be rejected.

However, it is rather surprising that, with the emendation of מַעִיק to מַפִּיק and of תַּעִיק to תַּפִּיק and the realization that this verb here, just as in Jer. 10.4 and Isa. 28.7, can mean "to reel; to totter;

to topple over," these scholars did not quickly apprehend the true meaning of the v. The presence of **החתיכם** here should have suggested this interpretation immediately, for, when used in association with **נפל**, the obvious meaning of the expression is "to tumble over where one stands; to fall prostrate" (cf. Josh. 6.5, 20; II Sam. 2.23; also Isa. 10.4; Ps. 18.39 [= II Sam. 22.39]; 45.6). The thought might well have suggested itself to these eminent scholars that what this v. implies is the casting down or overthrow of the people by God.

Finally, if we assume that, because of the unusual length of the metric unit here, a word has been lost at its end, a word which would have come, of course, very close to the left-hand margin of the written manuscript, **נוסף** perhaps or some approximate synonym thereof, we may feel reasonably sure that we will have thus recovered the original thought of the v. and probably even its original form, just as the prophet uttered it in announcing the complete destruction of the sinful, faithless nation at the hand of the God whom it had betrayed. The v. would read thus:

הנהאנכי מפיך תחתיכם / כאשריתפוק העגלה המלאה / לה עמיר <נוסף>

Behold, I will cause you to topple over,
Just as the full cart topples over
To which a sheaf is added.

The v. is, of course, a 3/3/3 tristich. **לה** is, it is now clear, essential to both the thought and the meter. In fact it is **לה** which, more than anything else, suggests both that a word has been lost at the end of the third stichos and also that this missing word was **נוסף** or some synonym thereof.⁹

The symbolism basic to the thought of the v. is that of a cart, no doubt a two-wheeled cart, such as seems to have been customary in ancient Palestine, a cart used to bring home

⁹ **על** in both Nif. and Hif. normally takes **על** as its accompanying preposition. However, it employs **ל'** or **אל** in the same association with sufficient frequency in Biblical writings (cf. Gen. 30.24; I Kings 10.7; Ezek. 23.14; Ps. 120.3; Prov. 3.2; 9.11; I Chron. 17.18) to justify the supplying of **נוסף** here.

from the field the freshly garnered sheaves of grain. Upon the cart the sheaves are piled up, the round, cylindrical-shaped sheaves, sheaf upon sheaf, until the cart becomes loaded to utmost capacity. And when this state of lading is reached and then one more sheaf is added to the delicately balanced load, the cart is up-ended and the entire load comes tumbling down in hopeless confusion on the very spot where the cart was a moment before standing securely. So it will be with Israel, the prophet, speaking in the name of the God of Israel, announces; so will Israel, the nation, come tumbling to the ground, hopeless, destroyed, its existence terminated forever. The picture is graphic indeed.

ISA. 40.22, 25, 27

Isa. 40.25 reads in *MT* thus:

ואל־מי תדמיוני ואשׁוּה יאמר קדוֹשׁ

קדוֹשׁ is here utterly impossible. Nor does it aid in the least to read, with *G* and *S*, הקדוֹשׁ, for neither קדוֹשׁ nor הקדוֹשׁ is ever used alone, unsupported by some additional word, anywhere in the entire Bible, as the title of the Deity. However, קדוֹשׁ יִשְׂרָאֵל is one of the most common designations of Yahweh in all the prophetic writings and is used by Deutero-Isaiah (chapters 40–48) himself nine times. Moreover, in the expression, קדוֹשׁ יִשְׂרָאֵל, קדוֹשׁ has an altogether different implication ("the peculiar possession of Israel") than when used as an adjectival noun, either with or without the article, "the Holy One." That the single word, יִשְׂרָאֵל, has been lost at the end of the distich seems almost certain. The restoration of it restores at the same time the original 3/3 meter. The distich should read accordingly:

ואל־מי תדמיוני ואשׁוּה / יאמר קדוֹשׁ <יִשְׂרָאֵל>

40.22 is plainly a double-distich, with parallelism not only between the stichoi of each distich but also, as is the distinguishing characteristic of double-distichs, between the two distichs. However, this circumstance makes the fact that, as

the v. stands now in *MT*, the first distich is a 3/2 while the second is a 3/3 not a little disturbing, for certainly with such pronounced parallelism between the two distichs, it would be expected that they would be cast in the same metrical form. Furthermore, careful consideration suggests that the thought of 22a is incomplete. It is not enough to say that, in a purely objective and absolute sense, the inhabitants of the world are like grasshoppers. This thought must unquestionably be co-ordinated with that of the first stichos of the distich and that of the entire second distich, the thought of the incomparable greatness and majesty of the Deity as the Creator of the universe and the One who fills it. Some such word as לפניו or בעיניו is undoubtedly missing at the end of the first distich, more probably לפניו. Supplying this word here not only completes the thought properly but also restores the expected 3/3 meter. Read accordingly:

הישב על-יחוג הארץ / וישביה כחגבים <לפניו>

A similar condition obtains in v. 27 of the same chapter. The text reads in *MT*:

למה תאמר יעקב ותדבר ישראל
נסתרה דרכי מיהוה ומאלהי משפטי יעבור

The two distichs together constitute a single thought-unit. We would, accordingly, expect them to be cast in the same meter. The second distich is a perfect 3/3; but the first, as it stands now is a 3/2. Moreover, the first distich, when read aloud, gives the decided impression of ending a bit abruptly, quite as if a word were missing at the very end. The term, ישראל עמי, seems to have been dear to Deutero-Isaiah. He uses it in 43.20; 47.6. It is indeed a meaningful expression and precisely what would be expected here, where the dominant theme is Yahweh's faithful and unfailing love for His people, Israel. By supplying עמי here, the expected 3/3 meter is recovered. Accordingly 27a should read:

למה תאמר יעקב / ותדבר ישראל <עמי>

ISA. 42.16, 24a, 25a

Isa. 42.16 reads in *MT*:

והולכתי עורים בדרך לא־ידעו בנתיבות לא־ידעו אדריכם
 אֲשֵׁים מַחֲשֶׁךְ לַפְּנִיהֶם לְאוֹר וּמַעֲקָשִׁים לְמִישׁוֹר
 אֱלֹהֵי הַדְּבָרִים עֲשִׂיתִים וְלֹא עֲזַבְתִּים

It consists of three distichs, of which the first is plainly a $4/3$, but the second and third are, as they stand now, in turn a $4/2$ and a $3/2$. While by no means altogether impossible, this succession of metrical forms is, to say the least, somewhat surprising. We would expect that all three distichs, which together voice a closely unified thought, and between the first two of which a clear and effective parallelism exists, would be cast in uniform meter. Actually the first stichoi of the first two distichs are each of four beats. This suggests that the first stichos of the third distich should likewise consist of four beats, and that all three second stichoi should be of three beats each, that, in other words, all three distichs should be in the $4/3$ meter; and this all the more so since the $4/2$ measure, in which the second distich is cast in *MT*, while by no means uninstanced, actually is employed far less frequently than is the $4/3$ measure.

Careful examination of the second distich suggests the wisdom of one minor, internal emendation and likewise the loss of a word at the end of the second stichos, the end of the line. The מ of מַחֲשֶׁךְ may well be the result of a dittography of the same letter at the end of the preceding word. Certainly חֹשֶׁךְ, "darkness," rather than מַחֲשֶׁךְ, "the place of darkness," is the natural and expected antithetical parallel of "light," of the first stichos.

At the end of the second stichos a verb seems once again to be missing, a verb which would provide the expected parallelism to אֲשֵׁים, at the very beginning of the first stichos, and, when supplied, would restore to the distich a very proper and effective chiasm. Unquestionably this word is אָהַן.¹⁰

¹⁰ For the close parallelism between and the narrowly integrated use of נָהַן and שָׁם cf. Lev. 5.11; 1 Kings 18.23; Isa. 41.18-19; Ezek. 35.3b-4a; Hos. 11.8, and *passim*.

In the third distich, on the basis of *G*, for עשיתם, which is, to say the least, surprising here, since the context plainly requires the impf. rather than the perf., and since the pronominal suffix of this verb would have no understandable antecedent, we may read אעשה, precisely as would be expected, and, with *V*, we may supply להם to follow immediately after the verb. This would make the thought of the stichos complete and would likewise restore the expected four beats to the stichos.

Likewise in the second stichos of this distich the perf. should be changed, again with *G*, to the impf., אעזבם. But even with this simple emendation the distich seems to end somewhat abruptly, quite as if a word were missing here also. We suggest the insertion here of לעד. Certainly with this word here, the thought which the prophet seeks to voice would be expressed with decidedly more force and effect.

Accordingly we suggest that originally the v. read thus:

והולכתי עורים בדרך לא־ידעו / בנתיבות לא־ידעו אדריכם
 אשים חשך לפניהם לאור / ומעקשים למישור <אתן>
 אלה הדברים אעשה <להם> / ולא אעזבם <לעד>

Each of the three distichs is now in the expected 4/3 meter. Moreover, it should be noted that, with this reading, a word, a short word, consisting of only three letters, has been lost at the end of each of the second and third distichs, presumably therefore at the ends of two successive lines, each of practically the same length. This fact suggests, in turn, that one single cause brought this circumstance about. The only conceivable cause would be the deterioration of the manuscript at this spot on its left-hand edge over a space wide enough to affect two adjacent lines.

Something similar seems to have transpired with v. 24a. As the distich stands now in *MT* it seems to be a 4/2. But once again, this meter would be surprising here, following, as the distich does, a 4/3/3 tristich plus a 4/3 distich in v. 22,¹¹

¹¹ V. 23 is plainly completely out of accord with the dominant theme of the passage and seriously disturbs, and even interrupts, the sequence of thought. It should accordingly be removed.

and followed, in turn, by another 4/3/3 tristich. Certainly here too a 4/3 distich is to be expected.

Actually the thought is complete as the distich reads now, although, once again, it seems to end somewhat abruptly. Furthermore, inasmuch as בון is a transitive verb, it must have an object, whether expressed or understood. In all likelihood therefore אותו should be supplied at the end of the distich and immediately after the verb. This would not only restore the expected 4/3 meter, but would also make the expression of the thought here more personal and effective. Accordingly the half-verse should read:

מי נתן למשסה יעקב / וישראל לבזים <אותו>

V. 25a reads in *MT* thus:

וישפך עליו חמה אפו ועזו מלחמה

This can be read best as a 4/2. But once again, inasmuch as the parallel distich in 25b is either a 4/4 or a 4/3, it is reasonable to expect that 25a would be in the same meter. Moreover, even a hasty reading makes clear that the thought of the second stichos of this distich is incomplete. The subject of the sentence is present but the predicate is missing entirely. Plainly it has been lost from the end of the distich and the line. Whether it consisted of one word or of two words it is impossible to tell with certainty, for here the versions offer not the slightest assistance. If only one word has been lost, then the distich would be a 4/3, but if the loss consisted of two words, the distich would then be a 4/4. In either case the missing word, or one of the two missing words, whichever it may be, must be a verb, which would govern ועזו מלחמה and provide the proper parallelism to וישפך of the first stichos. Moreover, this verb should come at the very end of the stichos and thus recover an effective chiasm within the distich. We suggest, though with proper reservation, לקראתו העריך (cf. I Sam. 4.2; 17.2; II Sam. 10.9; I Chron. 19.17), or, since this expression is definitely prosaic and commonplace, perhaps the more poetic and therefore more appropriate עמו העמיד (cf. Ps. 27.3). In the first stichos the syntactically impossible *MT* reading, חמה אפו, should, on the basis of Isa. 66.15 (cf. also Deut. 29.27; Jer. 21.5; Ezek. 5.15; Micah 5.14) be

emended to **אפו בחמה**.¹² Thus reconstructed the distich would read:

וישפך עליו בחמה אפו / ועוזו מלחמה <עמו העמיד>

ISA. 43.19-20

Here something has occurred which parallels very closely that which seems to have happened with 42.16b. These two vv. consist each of two distichs, with a measure of parallelism between the two distichs in each v. In other words, each v. may be regarded as a double-distich. We would accordingly expect each distich of each double-distich to be in the same meter as its companion. This assumption is confirmed by the realization that the entire passage, vv. 15-20 consists, at least so it seems, of eight 3/3 distichs plus one 3/3/3 tristich (v. 16). However, both 19b and 20b, as they read in *MT*, seem to be only 3/2's. In each instance, just as has so frequently been the case thus far, a verb seems to be missing at the end of the second stichos, that is, again, at the end of the line, a verb which should be in parallelism with the corresponding verb in the first stichos and which, if supplied, would restore the expected chiasm here. In 19b the verb of the first stichos is **אשים**. Accordingly the verb missing at the end of the second stichos would be **אתן**. Correspondingly the verb in the first stichos of 20b is **נחתי**, or, more probably, as it should in all likelihood, inasmuch as the context plainly requires the impf. here, be emended, **אתן**. Conforming to the same, well-established parallelism, at the end of the second stichos here **אשים** should be supplied. Thus emended, 43.19-20 would read:

19. הנני עשה חדשה / עתה תצמח **אף-תדערה**
אשים במדבר דרך / **בישימון נתיבות** <אתן>

¹² Cheyne apparently originally reconstructed the text here in just this manner (cf. *The Prophecies of Isaiah*⁴ [1886], I, 272). Later, however, (*The Polychrome Bible*, [1899]) he changed this emendation to read **בחמה אפו**. In this he was followed by Kittel in *BH*³. Both scholars seem to have confused **אף** with the very common and somewhat similar expression **אף חמה**. Actually **אף חמה** occurs not once in all Biblical writings.

¹³ **הלוא** of *MT* is hardly the proper word here, for certainly no question of

20. תכבדני חית הארץ / תנים ובנות יענה
כִּי־אתן במדבר מים / נהרות בשימון <אשים>

Isa. 44.6a

כה אמר יהוה מלך ישראל ונאלו יהוה צבאות

The meaning of the half-verse is clear. It is the very effective introduction to a new address or else to a new section of the larger address of which it and the vv. which follow immediately upon it are a part. It is plainly, as it stands in *MT*, a tristich, a 3/3/2. This metrical form is quite common in Biblical Hebrew poetry, and therefore there could be in itself no reason to challenge the present text. But it can not be denied that the present text ends with decided abruptness. Long before the discovery of the St. Mark's Isaiah scroll I had surmised that שמו was missing at the end of the v. This surmise was based upon the fact that the words, יהוה צבאות שמו, seem to be used as a conventional refrain, usually of a somewhat doxological character, in prophetic writings, four times in Isa. (47.4; 48.2; 51.15; 54.5), nine times in Jer., and four times in Amos. I accounted for the absence of שמו here, where indeed it would be most appropriate, by the principle of the loss of a word at the end of a line coincident with the end of the metrical unit. It is enheartening indeed to find that in the St. Mark's Isaiah scroll שמו occurs at the end of the v., just where I had set it in my own earlier textual reconstruction. The v. should read accordingly:

כה אמר יהוה / מלך ישראל ונאלו / יהוה צבאות <שמו>

It is, of course, a 3/3/3 tristich.

Here is one instance where the validity of the principle enunciated in this study finds certain and almost startling confirmation.

any kind is here implied. On the other hand אף, the very word which would here fit into the context best, is clearly out of place before תשים at the beginning of the second distich, where it stands in *MT*. In all likelihood it stood here originally, then in some unknown manner was transposed to its present position in *MT*, and ultimately הלוו crept in here to replace it.

ISA. 58.10b

וּזְרַח בַּחֹשֶׁךְ אֹרֶךְ וּאֶפְלַתְךָ כְּצֹהָרִים

Here too the meaning of the v. is perfectly clear. As it stands in *MT* it seems to be a 3/2 distich, although, were it necessary, וּאֶפְלַתְךָ could be read as two beats, inasmuch as it is a long, four-syllabled word with both a prefix and a suffix. Metrical considerations therefore would not suggest the necessity or advisability of any emendation or supplementation whatever. But it would be surprising indeed were וּאֶפְלַתְךָ to be construed as a subject of וּזְרַח along with אֹרֶךְ. וּזְרַח describes the rising of the sun and the bursting forth of its light at or shortly after dawn. אֹרֶךְ is indeed a fitting word to form its subject here. But it would be strange and even inappropriate to say "and thy darkness shall rise." What is expected here and is clearly implicit is the statement that thy darkness shall be bright or shall gleam, or shall be radiant, as the noon-day. Unquestionably תִּהְיֶה, or else some synonym thereof,¹⁴ must be supplied at the end of the v. and of the distich. This would yield the following text:

וּזְרַח בַּחֹשֶׁךְ אֹרֶךְ / וּאֶפְלַתְךָ כְּצֹהָרִים <תִּהְיֶה>

And here we have the 3/3 distich in its full and clear form.

Moreover, this reading brings out plainly the full parallelism of the two stichoi. The first stichos depicts the dispelling of the darkness of the night at the rising of the sun and the beginning of the day; the second stichos in turn pictures the strong, radiant light of noon-day persisting so long and with such undiminished brightness that at the end of the day the darkness of the oncoming night must yield to it. For him who conforms to the program of moral conduct outlined by the prophet in the preceding vv. there

¹⁴ נִהַי seems to be the verb most frequently employed to express the concept, "illumination of the darkness"; cf. Isa. 4.5; 50.10; 59.9; Amos 5.20; Ps. 18.29 (= II Sam. 22.29). Correspondingly the light of the moon and the stars, which illumines the darkness of the night, is regularly described by נִהַי; cf. Isa. 13.10; 60.9; Joel 2.10; 4.15. Unquestionably then תִּהְיֶה is the most appropriate word to supply here.

will henceforth be no darkness, no night at all, but only constant, unquenchable, radiant, glorious day. The effect of the picture which the prophet paints is heightened immeasurably when we supply חנה at the end of the v. The resultant perfect chiasm between the two stichoi, thus restored, adds its full share to the graphic and artistic effect of the distich.

ISA. 50.2b β

חבאש דנתם מאין מים ותמת בצמא

For חבאש *G* reads חִיבֵשׁ, a reading which undoubtedly accords with the thought and imagery of the v. much better than חבאש of *MT*, and which has therefore been accepted by practically all scholars. Happily this reading is now confirmed by the St. Mark's Isaiah scroll.

A moment's thought must make clear that the picture set forth in the second stichos, of something dying of thirst, can not apply at all to the fish of the first stichos, especially since these have already dried up because of lack of water. The second stichos requires the presence of some noun which would offer the proper parallelism to the fish of the first stichos, some animals of which it might be said that they would perish of thirst. And inasmuch as the first stichos of the preceding distich speaks of the drying up of the sea by the Deity, while the second stichos there tells of His turning the watered land into a desert, and inasmuch as the first stichos here speaks of fish, plainly the fish of the sea, it is almost self-evident that the second stichos here must have spoken of the animals of these well watered lands. Beyond question the word which is missing here is בהמתם. Accordingly Gunkel, Marti, Duhm and Kittel supply בהמתם at the end of the v. In this they are unquestionably correct. Especially when read with the preceding distich does the full effect of this distich as now reconstructed become apparent. The two together form a perfect 3/3 double-distich, with close internal unity in the thought:

הַיִּבְנֵעֲרֵתִי אַחֲרֵיב יָם / אֲשִׁים נְהָרוֹת מִדְּבָר
חִיבֵשׁ דָּנַתִּם מֵאֵינִי־מִים / וְתָמַת בְּצִמָּא >בְּהֵמָתָם<

This is another, and a most illuminating, instance of the loss of a word at the end of a metrical unit, coincident with the end of a line.

ISA. 60.11b

להביא אליך חיל גוים ומלכיהם נהוגים

As it stands, the half-verse must be translated, "To bring unto thee the wealth of nations and their kings led along." This, of course, is meaningless. Accordingly Cheyne, Grätz, Duhm, Marti, and Kittel emend נהוגים to נוהגים, and interpret thus: "to bring unto thee the wealth of nations, with their kings leading the van." Actually this rendering offers little if any improvement over the above rendering of the unemended text. The difficulty which is inherent in the thought of the half-verse can be removed completely and simply by the assumption that a word has been lost at the end of the second stichos, coincident with the end of the line. We may well imagine that this missing word is בוקים. The supplying of this word would give the half-verse a vivid meaning, create a fairly effective parallelism between the two stichoi and establish the 4/3 meter. Thus:

להביא אליך חיל גוים / ומלכיהם נהוגים <בוקים>

To bring unto thee the wealth of nations,
And their kings led along in fetters.

ISA. 61.1c

לקרא לשבויים דרור ולאסורים פקח קוח

The meaning of this distich is obvious. Its theme is the proclamation of deliverance to the captives and of release to the imprisoned. However, the final word or words are troublesome, whether we read as two words, as *MT* has it, or as one word, פקחקוח, as some manuscripts and apparently the versions also do. Moreover, פקח is indeed a suprising word here, for elsewhere it is used only of "opening the eyes" or "the ears," but never of opening fetters or bars and release from prison.

Unquestionably we are faced here with a slight textual corruption. That this corruption is old is evidenced by the *G* rendering of פקחוק, ἀναβλέψιν, "recovery of sight." At least the *G* translators understood the only possible meaning of the verb פקח here.

The difficulty is obviated very simply if we regard פקח as a corruption of an original פתח and understand קוח as either a dittograph of the letters of the preceding word or else as an attempt, poorly conceived however, to supply something to fill the space of an obviously missing word. Certainly the whole of קוח פקח must be rejected.

What must have stood here are some word or words which would provide a proper parallelism to דרור of the first stichos. As has been said, פקח may well be a corruption of an original פתח. And what was "opened" for those who were "fettered" or "imprisoned" was, as Jer. 40.1; Job 36.8 indicate, "fetters," זקים. With this emendation we recover the following original distich:

לקרא לשבויים דרור / ולאסורים פתח <זקים>

To proclaim freedom for the captives

And for the imprisoned the opening of fetters.

This distich, like the preceding distich, which with it really constitutes a double-distich, is in the 3/3 meter, with very appropriate and effective parallelism between the two stichoi.

ISA. 63.7c

אשר גמלם כרחמיו וכרב חסדיו

This distich is the third section of what is plainly a triple-distich. The first two sections thereof are 3/3's. It is to be presumed therefore that this third section should be a 3/3 also. However, as it stands it is only a 3/2. Plainly a word is missing, and that, too, at the very end of the distich. It should be a verb, one which would offer a proper and effective parallelism to גמלם. Accordingly supply גאלם; cf. v. 9a. This yields the following:

אשר גמלם כרחמיו / וכרב חסדיו <גאלם>

Who requited them according to His love
And according to His abundant faithfulness redeemed
them.

The parallelism of the two stichoi is now perfect. Likewise the similarity of גמלם to גאלם in sound adds something to the effect of the distich. Also the expected 3/3 meter is now restored.

ISA. 49.18b

חי אני נאס־יהוה כי־כלם כעדי תלבשי ותקשרים ככלה

As it stands the half-verse is a tristich, apparently in 3/3/2 meter, a metrical form which is fairly common. Furthermore, as it stands, the meaning of the half-verse is plain. However, *G* apparently had an additional word at the end of the tristich, and one which adds something worth while to the poetic effect. Some manuscripts of *G* read, "And thou shalt bind them upon thyself as a bride binds on her ornaments," while other manuscripts read, "as the ornaments of a bride." Accordingly Kittel would read the final stichos thus: כעדי כלה, while Budde would substitute ככלי for Kittel's כעדי. For the כלי כלה cf. Isa. 61.10; also Gen. 24.53; Ex. 11.2.¹⁵ According to these two last passages the כלי כלה consisted of objects of gold and silver, in other words were jewels. Accordingly read:

חי אני נאם יהוה / כי־כלם כעדי תלבשי / ותקשרים ככלה <כליה>

As I live, saith the Lord,
Verily, thou shalt clothe thyself with all of them as an
ornament,
And thou shalt bind them on just as a bride (binds
on) her jewels.¹⁶

The supplying of כליה at the end of the tristich not only restores the original 3/3/3 meter, a much more frequent metrical

¹⁵ That Ex. 11.2 has to do with the jewels of brides I have established in "The Despoiling of the Egyptians," *JBL*, LXVIII (1949), 1-28.

¹⁶ Torrey seems to have anticipated this reading.

form than $3/3/2$, but also brings into being a perfect parallelism between the two final stichoi of the tristich, and even an effective paranomasia between ככלה and כליה.

It may well be that it was the similarity in spelling, sound and appearance of ככלה and כליה which caused the loss of the latter word as a dittograph of the former; but it is equally probable that the writing of this final word of this long tristich very close to the left-hand margin of the parent manuscript may have brought about its disappearance.

ISA. 60.2a¹⁷

כי הנה החשך יכסה ארץ וערפל לאמים

For החשך read with Marti and Kittel חשך; the ה of החשך is probably a dittograph of the final letter of הנה. The thought of the half-verse is perfectly clear, but the parallelism seems to be incomplete. As it stands now the half-verse is a $3/2$. But plainly it is the first half of a double-distich, the second half of which is a $3/3$. We would expect this first distich to be a $3/3$ also. Accordingly, on the basis of Job 38.9, supply יחתל, and read:

כִּי־הֵנָּה־חֹשֶׁךְ יִכְסֶה אֶרֶץ / וְעֶרְפֶּל לְאֻמִּים <יַחְתֵּל>

For behold, darkness covereth the earth,
Yea, thick darkness envelopeth the peoples.

The parallelism between the two stichoi is now complete and the $3/3$ meter is recovered.

ISA. 46.13b

וְנִתְחִי בְצִיּוֹן חֲשׂוּעָה לְיִשְׂרָאֵל תַּפְאֲרָתִי

Once again the parallelism between the two stichoi seems to be incomplete and the meter, $3/2$, not altogether satisfactory. In fact the preposition 'ל', used with לְיִשְׂרָאֵל, seems to necessitate some verb other than וְנִתְחִי of the first stichos, there used with

¹⁷ I have already treated this passage in "Two Prophecies from 520–516 B. C.," *HUCA*, XXII (1949), 383 f.

the preposition ב'. Accordingly supply אָשִׁיב. This yields the following reading:

וְנָתַתִּי בְצִיּוֹן תְּשׁוּעָה / לְיִשְׂרָאֵל תְּפָאֳרָתִי <אָשִׁיב>

And I will establish salvation in Zion,
And to Israel My glory will I restore.

The parallelism between the two stichoi is now perfect, the expected 3/3 meter is restored, and in addition a most effective chiasm is brought to light.

ISA. 45.3a

וְנָתַתִּי לָךְ אוֹצְרוֹת חֹשֶׁךְ וּמִטְמְנֵי מִסְתָּרִים

Precisely the same circumstance obtains in this passage as in that the discussion of which immediately precedes. Once again the parallelism between the two stichoi is incomplete and the present 3/2 meter seems to be questionable. *G* apparently read אֶפְתַּח־לְךָ at the end of the second stichos, a reading which for some incomprehensible reason Marti rejected. More graphic than אֶפְתַּח־לְךָ and likewise having the advantage of being only one single word would be אָנֹלָה. And once again the supplying of this word at the end of the second stichos makes the parallelism complete, restores the expected 3/3 meter and also provides a most effective chiasm. Accordingly read:

וְנָתַתִּי־לָךְ אוֹצְרוֹת חֹשֶׁךְ / וּמִטְמְנֵי מִסְתָּרִים <אָנֹלָה>

And I will give to thee treasure-houses of darkness,
And the deposits of secret places will I disclose.

ISA. 46.6b

יִשְׁכְּרוּ צוּרֶף וַיַּעֲשֶׂהוּ אֵל יִסְגְּדוּ אָף יִשְׁתַּחֲווּ

At the end of the second stichos the single word אֵלִיו seems to be missing. Certainly it is essential to the thought and also to the usage of the Hebrew language. The meter too seems to require it. Furthermore, *G* seems to have read the word here. In his

translation of this passage König implies this reading, although he does not actually affirm that the word is missing here. Accordingly read, in the expected 3/3 meter:

ישכרו צורף ויעשהו־אל / יסגרו אף־ישתחוו <אליו>

They hire a goldsmith, and of it he makes a god;
They bow down, yea they prostrate themselves to it.

ISA. 45.14c

אך בכ אל ואין עוד אפס אלהים

Here too the thought is inadequate, the parallelism incomplete, and the 3/2 meter unsatisfactory. Comparison with v. 6 and also with vv. 21 and 5 of this same chapter suggests strongly that most probably בלעדיו, though not possibly זולתו, has been lost at the end of the second stichos. This hypothesis finds almost complete confirmation in the fact that *G* actually read one of these two synonymous words at the end of the v. although at the same time it omitted אפס of the second stichos. Certainly we must read here:

אך־בכ אל ואין־עוד / אפס אלהים <בלעדיו>

Verily in thee is God, than whom there is none other,
There is no god besides Him.

Now the full thought is brought out, the parallelism between the stichoi is recovered in its complete form, and the original 3/3 meter is restored.

ISA. 44.18

לא ידעו ולא יבינו כי טח מראות עיניהם מהשכיל לבתם

The v. is plainly a tristich, and, as it stands, in 3/3/2 meter. The final word or words of the v. must have been written very close to the left-hand margin of the parent manuscript. It is not surprising therefore that a word should have been lost at the end of the v. coincident with the end of the third stichos

and the end of the written line. For that a word has been lost here, even though none of the vss. give any indication thereof, is absolutely certain. For under no condition can לבתם of the third stichos be, along with עיניהם, the subject of טחו, as it is necessary to read, of that same stichos; for of the heart it can hardly be said, as of the eyes, that it is smeared over. On the basis of Ex. 7.14; 8.11, 28; 9.34; 10.1 כבדו would seem to be the missing word. Read therefore:

לא ידעו ולא יבינו / כי טחו מראות עיניהם / מהשכיל לבתם <כבדו>

They neither know nor do they comprehend,

For their eyes are too smeared over to see

And their hearts are too heavy to understand.

Once again the parallelism between the two final stichoi of the tristich becomes perfect, the 3/3/3 meter is established, and likewise an effective chiasm is regained.

ISA. 54.16

הן אנכי בראתי חרש נפח באש פחם
ומוציא כלי למעשהו ואנכי בראתי משחית לחבל

As the v. stands now in *MT*, it seems to be a double-distich, of which the first distich is a 3/3 but the second distich is, most surprisingly, a 3/4, a meter which, we contend, contravenes all the rules of Hebrew metrics. Moreover, the thought of the final stichos, that which appears to consist of four beats, seems to be incomplete and inadequate. Furthermore, the third stichos, that which appears to be the first stichos of the second distich, is far more closely related in thought to the distich which precedes it than it is to the stichos which follows. The natural procedure would seem to be to link this stichos to the preceding distich and so make the resultant combination a 3/3/3 tristich, and then to expand what follows into a 3/3 distich by supplying the words necessary to complete both the thought and the meter thereof. This rearrangement will likewise bring out the essential parallelism, which is now lacking, or at best is suggested only vaguely. And inasmuch as only one word of this final stichos

is present, it follows that here two words must have been lost. We can only conjecture what these two missing words may have been, although the thought which they expressed is perfectly clear. We suggest that these two missing words were **אשר עשה**, or perhaps some other verb, **חרש** or **חשב**. With this emendation the following reading results:

הַנְּאֻנִּי בְרֵאֲתִי חֲרֹשׁ / נִפַּח בְּאֵשׁ פַּחַם / וּמוֹצִיא כְּלִי לַמַּעֲשֶׂהוּ
וְאֻנִּי בְרֵאֲתִי מַשְׁחִית / לַחֲבֹל <אֲשֶׁר עָשָׂה>

Behold I create the smith,
Who bloweth upon the fire of coals,
And bringeth forth an instrument for his task;
But I create (also) the waster,
To destroy what he hath wrought.

The correctness of this emendation is established with considerable certainty by the continuation of the thought in v. 17. This develops specifically the thought of the final stichos of v. 16 as we have reconstructed it, by affirming that no instrument or weapon which any smith might forge would be effective against Israel, for, though the smith, himself the creation, and therefore an agent, of God, may have fashioned it, God will have destroyed or ruined it through His other agent, the waster, likewise His creation. With this reconstruction of the text of v. 16 it becomes clear that the parallelism here is between the two sections of the v., the initial tristich, which describes at some length the expert fashioning of the weapon by the smith, the weapon which, as the context implies, is designed to destroy Israel, and the concluding distich, which, with effective repetition of words and thought and yet with even more effective conciseness, tells of God's creation of the waster and through this agent of God's destruction of the weapon, so that, as v. 17 goes on to say, the climax of the thought here, "no weapon which may ever be fashioned against Israel shall achieve its purpose." The relative length of these two metrical units is suggestive; for the plain implication is that the task of the smith evolves slowly and is time-consuming, while God's procedure is speedy and decisive. This parallelism of thought, graphically supported

by the relative lengths of the two metrical units, as reconstructed, and reenforced by the striking similarity in thought and phrasing of the initial stichoi of each, is highly effective and artistic, worthy indeed of a great poet.

ISA. 34.1-35.8

As the concluding and the climactic section of this study, we may consider Isa. 34.1-35.8, a passage which covers twenty-five vv. in two successive chapters. In this relatively brief compass we shall find that ten metrical units are, or as they stand now in *MT* seem to be, incomplete. A word seems to be missing at the end of eight of these ten units, coincident no doubt with the ends of eight different lines of the present manuscript. Furthermore, within this same text the entire second stichos of each of two closely adjacent distichs, 34.4aa and 5a, is, or at least seems to be, missing; and these two second stichoi would have stood, presumably, each at the end of its line. This relatively large number of incomplete lines suggests, in turn, that this entire passage was written upon a single column or section of the parent manuscript, and that this column or section of that manuscript had, for one reason or another, deteriorated in various spots along its left-hand edge, with the result that in eight places the final word of the line, and in two additional places, so at least it seems, the entire final stichos, were obliterated or lost. We shall consider each of these ten passages as they follow each other in the text.

In this task we shall be aided to no small degree by the consideration that in its original form Isa. 34 consisted of thirty-one distichs, each of which was, or at least seems to have been, in the 3/3 meter. This uniformity of meter in a single prophetic address of this length is exceptional indeed. Accordingly the assumption that all the distichs within this chapter were uniformly 3/3's, an assumption which seems reasonable enough, will aid immeasurably in the task of textual reconstruction.

We begin with the very first distich of the poem, v. 1a.

קרבו גוים לשמע ולאמים הקשיבו

That this distich ends abruptly both as to thought and meter can hardly be gainsaid. As it stands now, the meter is a $3/2$. As has been said, a $3/3$ is expected. Moreover, the second stichos offers a complete parallelism to גוים לשמע of the first stichos, but no parallelism whatever to the initial word of the first stichos, קרבו. By supplying, by analogy with Isa. 49.1, מרחוק at the very end of the second stichos all three of these shortcomings are obviated. The thought implicit in the second stichos now finds complete expression, the feeling of abruptness at the end of the distich disappears, the expected $3/3$ meter is restored, the parallelism of the two stichoi becomes perfect in every detail, and finally a very effective chiasm is brought out.

As they stand in *MT*, vv. 2-3 present a number of difficulties. V. 2 seems to be a $3/3/3$ tristich, and v. 3 a $2/3/3$ tristich. But this last is, according to the principles of Hebrew metrics, as we understand them, an impossible metrical form. Moreover, 2a and 2b seem to be in parallelism with each other, as do 2c and 3a with each other, and likewise 3b and 3c with each other. These considerations, plus the subconscious feeling that something has been lost somewhere within the compass of these two vv., has led Cheyne to suggest that an entire stichos has disappeared from between צבאם and ההרים, while Duhm and Proksch too feel that something is missing at this point. And indeed a word does seem to be lost after ישלכו, a word or phrase necessary to complete the description of the action implicit in the verb. This word or phrase can be only either עלהארץ (cf. Jer. 22.28; Ezek. 28.17; also I Kings 13.24, 25, 28) or לארץ (cf. Ezek. 19.12), or perhaps ארצה (cf. Ex. 4.3 bis) or even ארץ alone (cf. Lam. 2.1). Inasmuch as of all these variant expressions ארץ seems to fit into this particular setting most rhythmically, it should be preferred. With this one, simple word supplied, and likewise with 3aa linked to 2b to constitute a very effective distich, all textual difficulties vanish immediately. Instead of being arranged as two tristichs, the two vv. should be rearranged as three distichs, with perfect parallelism between the stichoi of each distich. Furthermore, with the St. Mark's Isaiah Scroll and *G*, and also with Micah 1.4, ההרים should be emended to הרים.

As it reads in *MT* v. 4b is likewise a tristich, but plainly

it is in some disorder and in need of reconstruction, or at least of rearrangement. Two significant facts stand out here. The first is that 4ba practically repeats, though much more effectively and with proper thought-connection with 4bβ, what has already been stated in 4aa. Furthermore, 4aβ gives the impression of being the initial mention of the heavens in this passage and therefore the natural introduction to the thought of 4b which follows. Moreover, the parallelism between the two stichoi in 4aa and 4ba and likewise the parallelism between the two stichoi remaining in 4bβγ is immediately apparent. The second significant fact is that the St. Mark's Isaiah Scroll omits ונמקו of 4aa completely and in its stead reads thus:

והעמקים יתבקעו וכול צבא השמים יבולו

There can scarcely be any question that והעמקים יתבקעו crept into the text of the St. Mark's Isaiah Scroll or of its parent manuscript at just this point through the error of some scribe, who remembered that these two words followed immediately upon ונמסו ההרים in Micah 1.4 and so, automatically and without realization of the confusion he was thus causing, inserted them here. Certainly the thought which these two words express does not fit in here, as it does in Micah 1.4, and accordingly these two words should be regarded as a gloss and be omitted. It is altogether probable that the, in this connection, utterly inappropriate and meaningless ונמקו of *MT* is the result of corruption of והעמקים. On the basis of these compelling considerations we must conclude that the whole of 4aa is a gloss. And with the omission of this gloss 4aβb becomes a simple, natural distich, which depicts graphically the far-reaching effects of Yahweh's wrath and of the holocaust which it is about to work here upon earth, upon the heavens and their host, namely the stars.¹⁸

In the second stichos of 4b for יבול it is necessary to read, with *G* and Σ, יפול, and correspondingly in the first stichos of 4c, with Σ and the Syriac Hexapla, כנפול.¹⁹ Certainly the picture

¹⁸ *G* interprets צבא השמים thus, and undoubtedly correctly.

¹⁹ For another clear and illuminating instance of the corruption of an initial יפול to יבול cf. Job 14.18.

of the stars falling from the heavens, as the result of the latter's being rolled or folded up, is far more natural and graphic than that of their withering away, which the reading of *MT* conveys.

However, one difficulty must still be cleared away.

At the end of v. 4c, that is at the end of the third distich within this v., there is good reason to believe that a word has been lost. As it stands at present, the distich seems to be a 3/2, although, if absolutely necessary, it would be possible to read it as a 3/3, drawing וְכִנְבֵּלָה out to its maximum length of four syllables and so giving two beats to this one word. But even with this the parallelism between the two stichoi would be only partial and incomplete. Syntactically מִתְאַנֶּה וְכִנְבֵּלָה מִתְאַנֶּה could, of course, be construed with כִּנְפֹל of the first stichos and the meaning would be perfectly clear. But it can not be denied that a verb at the end of the second distich, following immediately upon מִתְאַנֶּה and synonymous with נָפַל, would add very much to the symbolism and the artistic effect of the distich. It would make the parallelism between the two stichoi complete in every detail and would also produce a perfect and impressive chiasm. It seems altogether probable therefore that a verb has been lost from this position, a verb which expressed the idea of the dropping of a withered fig from the tree. But just what this verb may have been it is difficult, and in fact almost impossible, to determine.²⁰ For this reason it is best to leave this space blank in order to indicate the probable loss of a word, or else perhaps read, with *G*, תִּפּוֹל. But such repetition of נָפַל here would be crude and ineffective. Certainly some synonymous term would be preferable; but what might it have been?

At first glance v. 5 too seems to be a 3/3/3 tristich. But the same difficulty exists here as in the preceding vv. 5b and c seem to be in parallelism with each other, but in parallelism only in the most restricted sense with 5a. Together they present a single, unified thought, which, however, is related only rather remotely to the thought of 5a. Actually 5a seems to

²⁰ *G* omits כִּנְפֹל entirely, but instead prefixes עָלָה to כ' and reads תִּפּוֹל at the end of the second stichos.

be the first stichos of a distich, the second stichos of which (which would, of course, offer the expected parallelism to 5a) is completely missing. Moreover, in 5a *רוּתָה* hardly seems to be the proper verb, for there is no comprehensible, adequate reason why the sword of Yahweh should flow or drip, with blood of course,²¹ already in heaven and before its descent to earth to work the Deity's wrathful punishment upon the inhabitants of Edom. Instead of *רוּתָה* the St. Mark's Isaiah scroll reads *וּתְרָאָה*, "shows itself." This reading is certainly preferable to that of *MT*. The corruption of an original *וּתְרָאָה* to *רוּתָה* of *MT* is readily comprehensible,²² particularly in the reconstruction of the text of a manuscript which, as is becoming increasingly clear, had, for some unknown reason, deteriorated in marked degree in just this one column. This stichos says then that, before descending to earth to carry out Yahweh's fell purpose, His sword first became visible in the heavens, a dread portent indeed. The missing stichos, which followed immediately and with 5a constituted a distich, must have voiced a thought which paralleled that of 5a effectively. This distich then told in graphic manner, conveying a sense of foreboding and divinely appointed doom, of the appearance of Yahweh's sword in heaven. 5b and c, now plainly constituting a distich by themselves, tell then of the descent of this sword of punishment from heaven to earth, to the land whose inhabitants are destined to destruction by it. The two distichs together comprise a most impressive double-distich.

It should be noted here that the missing second stichos of 5a, coming at the end of its line, as it undoubtedly did, followed immediately upon a line, the last word of which was likewise missing, as we have seen. Seemingly the disintegration of the parent manuscript upon its left-hand edge at just this point must have been rather extensive.

²¹ Moreover, analogy with Jer. 46.10 suggests that were *רוּתָה* the proper word here, it should be coupled here also with an explicit, rather than an implicit, *מַדָּם*, just as it is there.

²² Though actually the perf., *נִרְאָתָה*, would be equally proper here and would involve a textual emendation slightly less in extent. This corruption here may have resulted because of the presence of *וּרוּתָה* in v. 7b.

In v. 6aa there is quite plainly one word, and consequently one beat, too many. Certainly the expression, **חֶרֶב לַיהוָה**, is awkward and also surprising in view of the fact that in this section of the poem Yahweh is represented as speaking in the first person, and also inasmuch as v. 5 has already employed the term, **חֶרֶבִי**. Here too it is both natural and, for the sake of the meter, necessary to read **חֶרֶבִי**.²³

Likewise at the end of 6a, the end of the second stichos of the distich, and therefore once again the end of the line, a word is undoubtedly missing. Without it the distich ends too abruptly, and this in consideration of both thought and meter. From the context we may infer with reasonable assurance that the missing word was a generic term for sheep, most probably **כֶּשֶׁבִים**, a term under which the various categories of sheep mentioned by name in 6b and 7a would be subsumed. The supplying of this missing word here both restores the meter and also paves the way effectively to the theme which is developed in detail in the two following distichs.

In the final stichos of the concluding distich of v. 6 the altogether superfluous, and even, in the light of its repetition in v. 7, somewhat disturbing, **בְּאֶרֶץ** should be omitted and **בְּאֶדוֹם** alone be read for the sake of the meter.

The specific theme of this and of the succeeding v. is, of course, Yahweh's total destruction of the population of Edom. The various classes of Edomite society are, with incisive sarcasm, likened to different categories of sheep as well as of cattle. This symbolism was based, quite manifestly, upon the facts that Edomite culture was pastoral in origin, and that many

²³ In all likelihood the final י of **חֶרֶבִי** was interpreted by some careless, or else some not too competent, scribe, not as the pronominal suffix appended to the noun, but instead as an abbreviation for **יהוה**. This error was made quite frequently; for example in Isa. 54.17, for precisely the same reason as here, instead of **עֲבָדֵי יְהוָה** of *MT* **עֲבָדֵי** must be read. Presumably some still later and equally incompetent scribe prefixed the altogether superfluous and somewhat disturbing **לִי** to **יהוה**, and in this manner the present text evolved. Reading **חֶרֶבִי** here not only restores the expected 3-beat measure in the stichos, but also brings the thought here into complete harmony with what has just been stated in v. 5.

elements thereof had unquestionably survived in Edomite, and also in neighboring Moabite (cf. II Kings 3.4), civilization down to the middle of the fifth century B.C., the time of composition of this poem. Moreover, the terms, **אילי מואב** and **אלופי אדום**, seem to have been conventional, at least in Hebrew usage, at this time (cf. Gen. 36.15-43; Ex. 15.15; I Chron. 1.51-54). The full implication and the appropriateness of the term, **כשבים**, supplied at the end of 6a, thus become readily apparent.

This paves the way, in turn, to another simple textual emendation, absolutely necessary to restore the thought of v. 7aa. Despite the fact that 'A, Σ, V and S have retained the word, while G seems to have paraphrased it, **ראמים** is impossible here. The context establishes with certainty that the name of some animal suitable for sacrifice is required here, while the consideration presented above suggests that some category of sheep was mentioned. **מריאים**, of which **ראמים** would be a very simple and comprehensible corruption, suggests itself. Furthermore, for **וירדו**, which is utterly meaningless here, it seems advisable, and perhaps even necessary, to read, with G and S, **ונפלו**.

At the end of 7a, consequently at the end of the second stichos of the distich, and therefore once again at the end of the line, a word seems to be missing, a word which should be in parallelism with **ונפלו**, therefore a verb, and a word which, when supplied, will not only round out properly the thought of, but will also once again establish an effective chiasm within, the distich. What this missing word may have been can be inferred only from the context, for here the vss. offer no aid at all. We suggest, though with considerable reservation, **ישחטו**, and recognize that any one of various other verbs of more or less parallel meaning might be equally appropriate.

These first seven vv. of Isaiah 34, as we have thus restored them, accordingly read as follows:

- | | |
|--------|---|
| I | קרבו גוים לשמע / ולאמים הקשיבו <מרחוק> |
| | תשמע הארץ ומלאה / תבל וכל צאצאיה |
| 2a | כיקצף ליהוה עליכליהגוים / וחמה עליכל צבאם |
| 2b-3aa | החרים נתנם לטבח / וחלליהם ישלכו <ארץ> |

- 3aβb ופגריהם יעלה באשם / ונמסו ההרים מדמם
 4aβb ונגלו כספר השמים / וכל צבאם יפול
 כנפל עלה מגפן / וכנבלת מתאנה <תפול>
 5 ותראה בשמים חרבי / -----
 הנה על־אדום תרד / ועליעם חרמי למשפט
 6 חרבי מלאה דם / הדשנה מחלב <כשבים>
 מדם כרים ועתודים / מחלב כליות אילים
 כי־זבח ליהוה בבצרה / וטבח גדול באדום
 7 ונפלו מריאים עמם / ופרים עם־אבירים <ישחטו>
 ורותה ארצם מדם / ועפרם מחלב ידשן
1. Draw near ye nations to listen,
 Yea, ye peoples afar off give ear;
 Let the earth hearken and everything within it,
 The world and all its creatures.
- 2a. For Yahweh hath rage against all the nations,
 Yea, wrath against all the host of them.
- 2b-3aa. He hath doomed them, given them over to slaughter,
 And their slain ones are cast down upon the ground.
- 3aβb. And the stench of their corpses ascends,
 And the mountains dissolve from their blood.
- 4aβb And the heavens are rolled up as a scroll,
 So that their entire host falls out;
 As a leaf falls off from a vine,
 And as a withered fig (drops) from a tree.
5. Yea, My sword doth show itself in the heavens,

 Behold, upon Edom doth it descend,
 Even upon the people doomed by Me²⁴ for
 punishment.
6. My sword is filled with blood,
 Is greasy with the fat of sheep;
 With the blood of lambs and of bucks,
 With the kidney-fat of rams.

²⁴ With עם חרמי "the people doomed by Me," cf. 1 Kings 20.42) איש חרמי (Isa. 10.6), and note that v. 2b has already told that Yahweh had doomed Edom to destruction.

For Yahweh hath a sacrifice in Bosrah,
Yea, a holocaust in Edom.

7. And fatlings shall fall with them;
Yea, steers along with bulls shall be slaughtered;
So that their land shall reek with blood,
And their soil shall become greasy with fat.

As thus reconstructed, this initial section of this poem consists of fourteen distichs, each in 3/3 meter. Written down metrically in this form, it consists of fourteen lines. As thus arranged, between the stichoi of each distich and likewise in several instances between two adjacent distichs there is perfect parallelism. Of these fourteen lines six, almost one half, are incomplete. Five lack only one word and one lacks the entire second stichos. In one instance two successive lines are defective. All these six defective lines occur within the compass of the first fourteen lines of the poem. In every case the defect is the same, the loss of a word or of words at the end of the line. This fact becomes all the more meaningful when it is realized that in all the remaining ten vv. of this poem not a single word has been lost at the ends of lines.²⁵ It seems therefore hardly possible to account for this circumstance in these first seven vv.

²⁵ In v. 15b of this same chapter a word is clearly missing at the end of the second stichos, the verb which is the predicate of the sentence of which *אשה* is plainly the subject and of which *רעותה* is the object. However, the absence of this word here can be explained best, not at all by the assumption of the loss of a word at the end of a line, but rather by the following considerations. In v. 16a the clause, *אשה רעותה לא פקדו*, is manifestly superfluous and even disturbing. At first glance it is tempting to regard this clause as a ditto-graph of what stood originally at the end of v. 15, and so to transfer *לא פקדו* to this place. But a better solution of the problem presents itself. *G* plainly read *קראו* at the end of v. 15. This may well be a corruption of an original *קראו*, as indeed Duhm suggests. And that this word was the original reading here is made almost certain by the fact that in v. 16a *וקראו* occurs, and is there entirely superfluous and even disturbing. Undoubtedly *קראו* stood here originally and was then transposed to its present, impossible position through the ineptitude of some scribe. In other words, the absence of the word at the end of v. 15 is to be accounted for by transposition rather than by the assumption of the deterioration of the manuscript at this point.

by any hypothesis other than that at just this place the parent manuscript had, for some unaccountable reason, deteriorated at the left-hand edge, with the result that the ends of these six lines were obliterated or were lost through erosion or destruction of the parchment or whatever the material of the manuscript may have been. This condition must have developed relatively early. These defects in the parent manuscript were thereafter necessarily perpetuated in all subsequent copies.

A condition somewhat similar, though not quite as extreme, obtains in Isa. 35. In quite a number of places the text seems to be somewhat disarranged. In three places within the chapter a word seems to be missing at the end of the line.

In the position in which it stands in *MT*, *המה* in v. 2c has no antecedent whatever. However, by transposing 2c to follow immediately upon v. 4 *המה* acquires the necessary antecedent, namely *נמחרי לב* of v. 4; for certainly it is these timorous, disturbed persons who are to be reassured by the vision of the God of Israel and the attendant promise of deliverance by Him. With this simple transposition order is brought into the text and the thought unfolds logically and graphically. However, at the end of 2c a verb seems to be missing, one which would provide the expected parallelism to *יראו* of the first stichos and which would govern *הדר אלהינו* in the same manner as *יראו* governs *כבוד יהוה*. *יביטו* seems to be the verb which would best serve this purpose. By supplying it here a 4/3 meter is achieved,²⁶ the parallelism between the two stichoi becomes complete in every detail, and an effective chiasm is established. The v. would then read:

²⁶ Inasmuch as the seventeen remaining distichs of this poem are all 3/3's and this seems to be therefore the only deviation from this metrical pattern in the entire poem, it is tempting to regard it also as a 3/3. This would be possible if only *כבוד יהוה* could be read here as a single beat, just as is certainly necessary in Ps. 104.31. However, in all other instances in Biblical poetry where it occurs *כבוד יהוה* is read as two beats. Moreover, its close parallelism here with *הדר אלהינו* in the second stichos, which must certainly be read as two beats, suggests that *כבוד יהוה* here must also be read as two beats, and that therefore the 4/3 meter here must be retained, despite the fact that it is the only variant from the 3/3 meter in the entire poem.

המה יראו כבוד יהוה / הדר אלהינו <יביטו>

They shall see the radiance of Yahweh;
The majesty of our God shall they behold.

A circumstance exactly similar obtains in v. 6b. Here ונחלים can under no condition be construed with נבקעו, the verb of the first stichos. Waters may be described as bursting forth, that is from a crevice in a rock which has suddenly split open (cf. Ps. 78.15), but it can scarcely be said that wadys in the desert split open in the same manner. Plainly a verb is missing here, a verb which would express correctly and vividly the transformation of these normally waterless valleys in the desert into torrential streams. On the basis of Ps. 78.20 (cf. Isa. 30.28; 66.12; Jer. 47.2; II Chron. 32.4) we may, with reasonable assurance, supply ישטפו. And thus, once again, the normal 3/3 meter is restored, the parallelism between the two stichoi is made perfect, and a very effective chiasm is achieved. Thus:

כי־נבקעו במדבר מים / ונחלים בערבה <ישטפו>

For water shall burst forth in the desert,
And in the Arabah valleys shall flow as torrents.

In v. 8b also a word is certainly missing at the end. As this half-verse reads in *MT*, it is plainly badly confused and grossly overloaded. The words, והוא למו הלך דרך, are altogether unintelligible. However, the difficulty which they occasion is easily resolved. הלך דרך gives the immediate impression of being a dittograph, slightly inexact but a dittograph none the less, of ודרך ודרך of the preceding distich. If the final ו of למו be linked with הלך, the close similarity in form of these two expressions becomes even more readily apparent. Equally plainly what remains after this, namely למ, is a dittograph of ואילים which follows immediately. With the removal, as a dittograph, of והוא למו הלך דרך, the half-verse begins to become meaningful. However, ואילים is certainly not the proper word here. What is expected is some word which would offer a natural parallelism to טמא of the first stichos, a word which designates a person ritually unclean and defiling. Isa. 50.1 suggests strongly

that what stood here originally was **וערלים**. It is readily apparent how an original **וערלים** could easily be corrupted into the present **ואוילים**. Just why "uncircumcised" should be mentioned here is a very interesting matter, which involves the interpretation of this entire chapter and the determination of its historical setting. But into this question we may not enter here. Even with this reconstruction of the half-verse thus far, it is clear at a glance that a word is missing at the very end, namely **בו**. In fact V seems to have read it here, and Cheyne, Duhm and Kittel supply it. Thus reconstructed, the half-verse reads:

לא יעברנו טמא / וערלים לא ייתעו <בו>

No unclean person shall traverse it,
Neither shall uncircumcised stray thereon.

The distich is now a perfect 3/3.

Within the compass of fourteen distichs in chapter 35 there have been three incomplete lines. Apparently a condition obtained with regard to this chapter similar to, though not as extreme as, that which obtained with regard to the previous chapter. In both chapters the ratio of incomplete lines to the total text is very far in excess of any other section of comparable length in either Isaiah or Amos which we have considered. This fact makes very plausible the hypothesis previously advanced, that these two chapters, or at least all of 34 and the greater part of 35, were in the parent manuscript written in one column, and that for some unknown and unknowable reason the left-hand edge of this particular column deteriorated quite extensively, with the result that the ends of thirteen lines within this one column were obliterated or eroded.

And what seems to have transpired with regard to this one column of the parent manuscript, seems to have happened also, though not nearly as frequently, at other places in this parent manuscript of Isaiah, and likewise in the parent manuscript of Amos. All told we have considered thirty-two passages in these two books, or rather within rather limited sections of these two books, in which words have been, or at least seem to have been, lost at the ends of lines. In two instances, Isa. 34.4c;

44.6a, the St. Mark's Isaiah Scroll, and in six other instances, Isa. 34.4c; 35.8b; 45.3a, 14c; 46.6b; 49.18b, the versions have substantiated our assumption and even provided, or at least suggested, what the missing word or words must in all likelihood have been.

All this together constitutes rather cogent and convincing support of our initial, threefold hypothesis, (1) that in the earliest Hebrew manuscripts of poetic writings, those of the pre-exilic and early post-exilic periods, metrical units were written upon separate lines; (2) that not infrequently, through the deterioration of manuscripts at their left-hand edges, words were lost at the ends of lines; and (3) that in many cases it is possible, through application of the principles of meter, parallelism and chiasm, to recover the missing word or words and thus restore the original text.

What happened with the manuscripts of Isaiah and Amos must certainly have happened with other manuscripts. Even within the scope of these two books it would have been possible, had it seemed necessary, to have adduced many more than the thirty-two examples presented. It appears therefore that this hypothesis merits consideration sufficiently to justify its use tentatively in the interpretation and, if need be, the reconstruction, of other passages within the range of the poetic literature of the Bible in which the phenomenon of lines or metrical units defective at their ends seems to be present. The experimental application of this hypothesis to other poetic books of the Bible by competent and sympathetic scholars will eventually determine its actual degree of validity.

STUDIES IN THE ST. MARK'S ISAIAH SCROLL, VI*

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לזכר אמי מורתי, ליבע בת ראובן מאיר

A

1. One important fact which has emerged clearly from the discovery of the St. Mark's Isaiah Scroll — hereafter designated SM — is that all too few biblical scholars have been trained in the past few decades to deal with the problems of textual criticism. Having been assured at the outset that the Scroll was both pre-Christian in date and of revolutionary importance in content — as though there were necessarily any real connection between the chronology of a manuscript and the value of its text¹ — students of the Hebrew Bible overnight became textual critics, and rushed into print with “authoritative” articles on the relative merits of the variant readings in SM as against those preserved in the masoretic text (hereafter designated MT). I say “overnight” because a significant proportion of the authors in question lacked the experience and ability to analyze the Hebrew text and the ancient translations made

* Studies I-V appeared respectively in *JBL*, 69 (1950), 149-166 (where I discussed MT גֵּעֶשָׁה SM חוּשֶׁב 33.6; MT יוֹרִיעַ SM יוֹרִיעַ 42.13; MT יִהְיֶה SM הִיָּה 43.10; MT נִהְרֹת SM נִהְרֹת 43.19 [on which see also *BASOR*, 123, Oct. 1951, 33-35]); *JNES*, 11 (1952), 153-6 (MT יִצְחָקוּ SM יִצְרָחֻ 42.11); *Journal of Jewish Studies*, 2 (1951), 151-4 (MT חֲקָה אֶפֶס SM חֲקָה 43.25); *JQR*, 43 (1952-53), 329-340 (see n. 5 below for the passages concerned); *Israel Exploration Journal*, 4 (1954), 5-8 (see n. 6 below). “Studies VII” (MT בּוֹנִיךְ SM בּוֹנִיךְ 49.17) will appear in *Tarbiz*, 1954.

¹ Cf. my remarks in *JBL*, 69 (1950), 150 f., on “a fourteenth century manuscript containing the text of an Arabic translation made around the eighth century from the Greek (which) ‘is infinitely superior in the text it represents’ to a handsome Greek uncial of the fifth century.”

directly from it, and they had never, or virtually never, written anything in this discipline previously. But when the Isaiah Scroll came along, with its boundless "wealth" of variants, these authors simply picked dozens of these ready-made variants which appeared superior to the readings in MT, and pronounced them as superior by *fiat*. Hardly ever was any attempt made to prove the variant in SM superior to MT; so that those of us, alas all too few in number, who were not blinded by the superficial dazzle of these variants, found ourselves overwhelmed by the sheer quantity of SM variants thrown at us in nearly every issue of every journal devoted to biblical studies, indeed even in publications ordinarily devoted to modern politics, finance, and news of human interest. It required little ability and courage, and even less time, to pick a variant in SM and solemnly pronounce it original. On the other hand, it takes days and weeks of drudgery to study all the data pertinent to the problem, to refute methodologically the alleged superiority so glibly pronounced for the SM variant.

2. There is, unfortunately, a second source of ready misinformation for the unwary, namely, the so-called critical apparatus in the *Biblia Hebraica* edited by Rudolf Kittel. The better critic has long been careful not to accept anything in this edition at its face value without going to the sources directly. There is scarcely a line in this apparatus which does not swarm with serious errors of commission and omission, and this is true especially of those books, such as the Book of Isaiah, which Kittel himself edited. Kittel never mastered the discipline of lower textual criticism, and he himself only very rarely indeed studied the all-important ancient primary versions at their source; he was essentially but a compiler who exercised no direct control over the data which he compiled.²

The consequences for the lower textual criticism of the

² See my "Studies IV" (*JQR*, 43 [1952-53], 329-40), *passim*, and my discussion of "The Use of the Versions in Translating the Holy Scriptures" (part of a Symposium on the Revised Standard Version of the Hebrew Bible), *Religious Education*, 47 (July-August, 1952), §D on pp. 256-8 and nn. 11-15. See also my Chapter in *The Study of the Bible Today and Tomorrow* (Chicago, 1947), pp. 150 ff.

Hebrew Bible have been disastrous. Not only have biblical scholars in general lost all direct contact with the sources, but they have been contenting themselves with utilizing instead Kittel's apparatus, which itself, as we have noted, was too far removed from the sources to be of any positive value to the scholar; it could but mislead.

3. In the course of a long review-article on the Scrolls,³ Walter Baumgartner of Basel devoted two pages (114-6) to the text of the Isaiah Scroll, in which he admitted that some of the variants in SM which had been accorded priority and superiority to those in MT in the first flush of discovery, had been demonstrated by me to be but corruptions. However, continued Baumgartner, there remained a number of other variants in SM which appeared definitely to be superior to MT, and he listed ten such variants,⁴ referring usually to Kittel's BH for support. With the first three⁵ of these ten variants I have dealt in "Studies IV" (*JQR*, 43 [1952], 329-340), and with the fourth variant⁶ in "Studies V" (*Israel Exploration Journal*, 4 [1954], 5-8). Here I propose to subject Baumgartner's fifth and sixth variants to the kind of textual analysis which I believe they deserve.

³ "Der palästinische Handschriftenfund," Zweiter Bericht, in *Theologische Rundschau*, 19 (1951), 97-154.

⁴ "Dass der Text der Rolle im grossen und ganzen schlechter ist als der MT, ist allgemeines Urteil. Aber es gibt schon genug Varianten, die ernstlich beachtet sein vollen . . . Durchgängige Priorität des MT vertritt ORLINSKY . . . der Text (des SM) sei 'an unreliable oral variation on the theme of what came to be known as the masoretic text of Isaiah' und beweise nur die Zuverlässigkeit des MT. Aber selbst wenn er in jenen Fällen [*viz.*, Studies I] recht hätte, will Orlinsky das auch heute angesichts des ganzen Textes behaupten? Ich nenne von Varianten bloss . . ." (pp. 114-5). When Baumgartner wrote this, only my "Studies I" had appeared.

Baumgartner's list of ten variants is much more select than that compiled by G. R. Driver, in *JTS*, New Series, 2 (1951), 25-6. Driver's long list of variants in SM which are alleged to confirm "emendations which have been proposed by various scholars" may quite safely be ignored by the discriminating scholar.

⁵ MT אהרגו SM גִּהְרַג 14.4; MT מרהבה SM מִרְהָבָה 7.1; MT יכלו SM יָכַל 14.30.

⁶ MT דיבון SM דִּיבּוֹן 15.9 (*bis*).

B

4. The author of the impassioned denunciation of Edom in chaps. 34–35 addresses himself to those who will witness God's devastation of Edom (34.16):

“Seek out the book of the Lord, and read,
Not one of these shall be missing,
None shall be lacking her mate.
For My mouth has commanded it,
And its breath has gathered them.”

The last two clauses in MT read: כִּי־פִי הוּא צִוָּה וְרוּחוֹ הוּא קִבֵּצָן

5. Most scholars have felt the construction פִּי הוּא in the context to be so difficult as to demand an emendation. Some changed הוּא פִּי into פִּיו or פִּיהו “His mouth” (// רוחו “His breath”), and the others, e. g., Duhm (“entweder mit mehreren Exegeten פִּיהו oder besser mit LXX פִּי יְהוָה zu lesen”), Marti, Ehrlich (“höchst wahrscheinlich יְהוָה”), Kittel (BH³), Ziegler (*Isaias*, 1948, p. 104), read כִּי פִּי יְהוָה צִוָּה.⁷ The former emendation is purely conjectural; the latter is based upon LXX ὁ θεὸς κύριος ἐνετείλατο αὐτοῖς and on the reading צִוָּה (הוּא) פִּי יְהוָה כִּי preserved in 5 Kennicott manuscripts.⁸

6. For MT כִּי פִּי הוּא צִוָּה, SM reads כִּי פִּיהו הוּא צִוָּה (... קבצ. [sic!] וְרוּחוֹ הוּא). On SM's פִּיהו הוּא, which he regards as superior to MT, Baumgartner notes merely: “s. B. H.” Kittel's BH³, however, reads: כִּי־פִי הוּא צִוָּה, with the note: “ins c 5 MSS יְהוָה (cf G A[rabical]),” and consequently has no bearing at all on SM's reading.

⁷ Among those who emend MT, usually to כִּי פִּי יְהוָה (הוּא) דָּבָר, may be mentioned, in addition, Robert Lowth (1834), C. J. Bredenkamp (1887), F. Feldmann (1925), O. Procksch (1930), E. J. Kissane (1941), B. J. Roberts, *The Old Testament Text and Versions* (Cardiff, 1951, p. 127).

⁸ Kennicott's *apparatus criticus* reads: פִּי יְהוָה — פִּי הוּא 1, 30, 206, 337, 576; nunc 531 — פִּיהו 160, 584, 602; פִּי primo פה 96 — 560 — הִיא 607. De Rossi's statement (*Variae Lectiones Veteris Testamenti*, III, 34) reads: פִּי הִיא ... פִּי יְהוָה Kenn. 1, 30, 206, 337, 576, nunc 531. Ita LXX et Arabs, qui vertunt *Dominus*, quibus subscribit Doederlein in versione ac notis ad h. l. פִּיהו cod. Kennic. 160, 602, mei 715, primo 20, 663, et Syrus. Chaldaeus במִּמְרֵיהּ.

7. As for the preserved Hebrew reading, the textual situation is in need of some clarification. (a) While scholars have been ready to insert יהוה because of LXX *κύριος*, they have not troubled to determine from a closer study of the character of the LXX of Isaiah whether the translator added *κύριος* on his own, and whether *ὅτι κύριος ἐνετείλατο* does not really derive from a *Vorlage* *כִּי יְהוָה צוּה*, rather than reflect a free rendering of original *צוּה (הוא) כִּי פִי יְהוָה*.

(i) My own detailed analysis of "The Treatment of Anthropomorphisms and Anthropopathisms in the LXX of Isaiah" (§8)⁹ leads me to believe that for any anthropomorphic reason alone, the LXX translator would not have failed to reproduce *פִי* in association with the Lord. On the other hand, the LXX did paraphrase *פִי יְהוָה* sometimes; cf. e. g., *ὅτι κύριος ἐλάλησε/ כִּי פִי יְהוָה דַּבֵּר* (40.5; contrast *τὸ γὰρ στόμα κυρίου ἐλάλησεν ταῦτα* in 1.20 and 58.14); *ἐμὲ δὲ οὐκ ἐπηρώτησαν / וְפִי לֹא שָׁאַל* (30.2; cf. JPS "and have not asked at [!] My mouth," and Revised Standard Version "without asking for my counsel"). If I am inclined to believe that the LXX paraphrased a *Vorlage* *צוּה (הוא) כִּי פִי יְהוָה*, it is because *פִי* is not lacking in any text-tradition. (ii) It is probable that LXX *κύριος* reflects the reading *יהוה* in its Hebrew *Vorlage*. This is so in part because the translator of Isaiah was not wont to introduce *κύριος* without the Hebrew equivalent, and chiefly because several Hebrew manuscripts read *יהוה* (cf. above §§5 and n. 8).

8. (b) Between MT *כִּי פִי הוּא צוּה* and the Hebrew *Vorlage* of the LXX *כִּי פִי יְהוָה (הוא) צוּה*, there can be little doubt that the latter is original: (i) While it is conceivable that the *yod* in *פִי* was taken by the translator as the abbreviation of *יהוה*, as he did once elsewhere in the Book (2.11),¹⁰ this is ruled out by the reading *יהוה* in some Hebrew manuscripts; the combination

⁹ To appear in the Annual of the Israel Exploration Society, *Eretz-Israel*, Vol. III.

¹⁰ (...) *עֵינֵי יְהוָה (נְבָחוֹת) אֶרֶם שָׁפַל* (...) *οἱ γὰρ ὀφθαλμοὶ κυρίου (ὕψηλοι, ὁ δὲ ἄνθρωπος ταπεινός)* (...) *עֵינֵי יְהוָה (נְבָחוֹת)*. See the references given by S. R. Driver, *Notes on . . . Samuel*, Introduction, p. LXIX, n. 2. Abbreviation in early biblical texts, where it does occur — and even then only very rarely — is limited to *(הוה)*.

of the LXX and the Hebrew manuscripts is conclusive here. (ii) The Hebrew *Vorlage* of the LXX makes for a considerably more natural syntax and parallelism (כי פִּי יְהוָה הוּא צוֹה // וְרוּחוֹ) (הוּא קִבְּצָן) than the preserved reading; *per se* the argument of a better reading than MT should not carry too much weight, but it is decisive when associated with the argument of the LXX and Hebrew manuscripts. The construction of our restored text is identical with that of יִרְאַת יְהוָה הִיא אֲנִיצְרוּ in 33.6, וְתִקְחִי in 63.5, and similarly elsewhere in our Book.¹¹

9. The reading in SM (כִּי פִּי הוּא צוֹה) is not only post-LXX (when יהוה was still extant) but is itself a corruption of the text-tradition from which MT derives: (i) It is clear that an original reading כִּי פִּי יְהוָה הוּא צוֹה (=LXX; Heb. Mss.) could readily become כִּי פִּי הוּא צוֹה (=MT) by the accidental loss of יהוה in the context; SM, in turn, is a further, rather simple corruption of MT by dittography of פִּי הוּא צוֹה, to become כִּי פִּי הוּא צוֹה. This is precisely the kind of corruption which occurred in Kenn. 160, 584, 602, and de Rossi 715, primo 20, 663. (ii) Whatever data are available make it clear that it would have been the form כִּי פִּי rather than כִּי פִּי הוּא (SM) which would have been employed by the author of Isaiah: (α) On all 5 occasions in our Book (11.4; 29.13; 53.7 [*bis*] 9) it is כִּי פִּי (ב) and not כִּי פִּי הוּא (ב) which is employed; (β) A reading כִּי פִּי הוּא צוֹה would have prevented the ensuing corruptions. In fine, far from preserving an original reading of the Hebrew text of Isaiah at this point, SM actually is only a secondary corruption of the text-tradition which finally became masoretic.

C

10. In the very dramatic exhortation to the Judean exiles to believe in their God's uniqueness and omnipotence, and in their own imminent deliverance at His hands from the exile, Deutero-Isaiah says (40.12),

¹¹ This use of הוּא / הִיא in Deutero-Isaiah is common enough; cf. 43.25; 51.9, 10, 12; 52.6.

מי מדר בשעלו מים Who has measured with the hollow of
 his hand the waters,
 ושמים בורת חבן And marked off the heavens with a span,
 וכל בשלש עפר הארץ And contained in a measure the dust of
 the earth?

In the early days of the discovery of the St. Mark's Isaiah Scroll, it was natural for some scholars to look eagerly for important, and even original variants in SM, so that the latter's reading (מי מדר בשעלו) מי ים (ושמים בורת חבן . . .) "the waters of the sea" was preferred by some to MT מים. Baumgartner reflects this preference ("mj jm, 'Wasser des Meeres' . . . von Sukenik und Seeligmann vorgezogen"), even though no one had ever really studied the variant in SM properly before choosing it as original.

11. A careful analysis of MT מים and SM מי ים in the context makes it amply clear that מי ים is only an erroneous reading, brought into being by a misreading or mishearing of מים as מי ים, perhaps *via* מים; cf. Burrows, *BASOR*, 113 (Feb. 1949), 27 (in § Slips of Memory), "מי ים / מים" (several explanations of this change are equally possible).^{11a}

(a) It has long been recognized that the combination מים שמים was deliberate on the part of the author; cf., e. g., Torrey (*The Second Isaiah*, p. 307), "Observe how *mayim* and *shamayim* are put side by side for the sake of the sound, after the usual manner of this writer." It may well be that מים ואין in 41.17 constitutes a similar assonance.

(b) All the versions, without any exception, preserve the reading of the masoretic text-tradition.¹²

(c) Those who have shown a preference for the reading in SM, or have even regarded it seriously, failed to realize that the

^{11a} It is interesting to note here that in 24.14 מים, usually rendered "from the sea (or, west)," was interpreted as though מ' ים in the LXX (τὸ ὕδωρ τῆς θαλάσσης) and Theodotion (ὕδατα θαλάσσης).

¹² B. J. Roberts, *loc. cit.*, erroneously cites the LXX as support for מי ים; it is only SM which reads thus. Neither Kenn. nor de Rossi cites any variant Hebrew readings. Kittel, BH³, tells his readers bluntly, "ימים," a wholly gratuitous proposition.

expression **מִי הָיָה** is hardly good Hebrew. The normal expression would be **מִי הָיָה**; cf. Amos 5.8 and 9.6 . . . **וַיִּשְׁפָּכֶם**. **הַקּוֹרָא לַמֵּי־הַיָּם** (In the expression **מִי הָיָה** in Ex. 15.19 the reference is to the **יַם־סוּף**.)

12. In other words, only one who was desperately seeking a worthwhile variant in SM would have passed so easily over MT **מִיָּם**, the normal and natural term for one of the three primary natural phenomena, viz., water, heaven and earth, in favor of the obviously corrupt reading in SM.¹³

¹³ One is reminded of the unseemly haste with which, e. g., SM **חֹשֶׁב** 32.6 and **הָיָה** 43.10 were found acceptable by some scholars in place of MT **יָגֵשׁ** and **יָהָה** (see nn.* and 4 above), preferences which no longer obtain.

WIE STEHT ES HEUTE UM DAS PROBLEM DER SUMER. VERBALPRÄFIXE MU-, E-(I-)?

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IM JAHRE 1939 erschien die 2. Aufl. meiner 1924 veröffentlichten Sumerischen Grammatik. In ihr wurde besonderes Gewicht gelegt auf die Klärung der Frage, ob die beiden wichtigsten Verbalpräfixe mu-, e-(i-) ausschliesslich dimensionale Bedeutung haben oder nicht.

Der erste, der zu diesem Problem Stellung nahm, war der ungarische Gelehrte Dr. Sigism. Varga. Das entnehme ich der sehr sorgfältig gearbeiteten, wertvollen Schrift von Ida Bobula, *Sumerian Affiliations, A plea for reconsideration*, Washington, 1951. Hier heisst es: "S. Varga, *Aus der Ferne von 5000 Jahren* (so lautet der ungar. Titel in deutscher Übersetzung), Debrecen 1942. This book (428 pages) consists of three parts: I. The history of the Sumerian problem (a complete account of everything published until 1942). II. A Sumerian Grammar (Varga tries to steer midway between Poebel, whose Grammar is based on the late bilingual texts, and Deimel, who uses mainly the archaic texts. Varga registers the different opinions of these and other authors in detail, but he has his own opinion, based on a thorough knowledge of the texts). III. Common origin of Sumerian and Ural-Altaic languages (Varga repeats the old arguments on grammatical and phonetic correspondents, but adds a mass of new evidence in the details, illustrated amply from the documents).

"It is regrettable, that this important book was published in Hungarian only and thus is out of the reach of most students."

Es ist in der Tat sehr schade, dass Varga sein Buch nur in ungarischer Sprache veröffentlichte. Denn die Sumeriologen, deren Muttersprache ein agglutinierendes Idiom ist, dürften an erster Stelle berufen sein, das Geheimnis des sum. Verbums, bes. in seinen späteren komplizierten Formen aufzuhellen. Es wäre

darum sehr zu wünschen, dass Varga seine Schrift auch weiteren Kreisen zugänglich machte.

Ein Jahr später als das Buch Vargas, erschien *Le verbe Sumérien, déterminations verbales et préfixes*, par Raymond Jestin, Paris, 1943; und *Le verbe Sumérien, préfixes, particules verbales et noms verbaux*, Paris, 1946.

Zu diesen beiden Schriften habe ich Stellung genommen in einem längeren Artikel in der *75th Anniversary Publication of the Hebrew Union College*, Cincinnati, vol. XXIII, 1, 1950-1951, pp. 317-338.

Bei dieser Entgegnung Jestins wurde ausdrücklich abgesehen von einer Besprechung der "Grammatik der Sprache Gudeas von Lagaš," I. Schrift- und Formenlehre, A. Falkenstein, Rom 1949; II. Syntax, Rom, 1950, hauptsächlich weil damals der 2. Teil derselben, die Syntax, in welcher F. seine Auffassung der sumer. Verbalpräfixe näher auseinandersetzt, noch nicht erschienen war. Hauptzweck dieser Zeilen ist die Auseinandersetzung mit dieser Arbeit Falkensteins.

Hier kann ich zunächst mit grosser Genugtuung feststellen, dass wir bezüglich mancher Erklärungen der sumer. Verbalpräfixe, die bisher vorgelegt wurden, gänzlich übereinstimmen. Die Auffassung Poebels, dass die Konjugationspräfixe *mu* und *e-* Ausdrucksmittel für zeitliche Bestimmungen sind, wird von F. (a. a. O. 160 n. 5; 161 n. 2) ausdrücklich abgelehnt (so auch von Jestin) und kann daher als endgültig erledigt angesehen werden.

Ferner ist F. (a. a. O. 161) gegen die Auffassung von Poebel und Scholtz, nach denen im Grunde der Wechsel von *i-* und *mu-* bei Gudea allein nach phonetischen Gesichtspunkten zu beurteilen ist. Diese Ansichten widerlegt F. durch sein statistisches Material über die *mu-* und *e-*Formen bei Gudea.

Ebenso ist es F. sicher, dass das Subject keinen Einfluss auf die Wahl des Konjugationspräfixes ausübt.¹

¹ Zur Charakterisierung der Argumentierungsweise F.s für diese seine Ansicht wie auch für die folgende sei hier auf S. 160 n. 4 verwiesen. Hier wird zunächst Poebel, GSG § 562 zitiert, wo als Verbindungen, welche die Setzung von *i-* erfordern, auch angegeben werden: "das Subjekts- und Akkusativinfix *-b-*, wenn sie dem Konjugationspräfixe unmittelbar folgen."

Hierzu bemerkt F. "Die Einbeziehung des Subjektszeichens *-b-* ist aber unzutreffend, da Poebel selbst in AJSL, L 156, 7 altsumerische Belege für

Auch das Vorliegen eines Akkusativinfixes ist nach F. wohl nicht bestimmend für die Wahl der Verbalpräfixe mu- und e-, obwohl dafür kein zwingender Beweis zu führen ist, "da das Akkusativinfix nicht zwangsläufig zu stehen hat."

Nach Jestin (*Le verbe sumérien* II, 225) können die beiden Konjugationspräfixe mu- und e- keine dimensionale Bedeutung haben, weil diese schon zweifellos den Infixen zukommt. Ferner müssten mu- und e-, wenn sie beim Verbum dimensionale Bezeichnungen wären, auch ausserhalb der Verbalformen in diesem Sinne vorkommen.

Auf diese beiden Schwierigkeiten wurde in der oben zitierten Abhandlung geantwortet. Hier kann es genügen, darauf hinzuweisen, dass wir im Deutschen die beiden allgemeinen Richtungselemente "hin" und "her" haben und zugleich noch eine grössere Fülle von konkreten dimensional Partikeln, als sich bei den sumerischen Verbalinfixen findet. Die letzteren machen die ersteren durchaus nicht überflüssig, sondern bestimmen die dimensional Angaben wesentlich. Wir können ohne Schwierigkeit "hin" und "her" verbinden mit "ein" und "aus," "auf" und "ab" usw.; "herunter" ist durchaus nicht dasselbe wie

mu-b->mu- (RTC 31 III 2-5; 32 V 6-VI 1; 35 VI 7-8) erbracht hat." Dann begründet er positiv seine Ansicht, dass das Subjekt allgemein keinen Einfluss auf die Wahl des Konjugationspräfixes ausübt.

Da die altsumerischen Belege für das Subjektszeichen -b- meine grösste Neugier erweckten, begann ich sogleich, diese Zitate sorgfältig nachzuprüfen, musste aber zu meiner grössten Überraschung feststellen, dass es sich um einen guten alten Bekannten handelte, die Verbalform mu-DU. Diese hätte nach Poebel und offenbar auch nach F. das Subjektsinfix -b- haben müssen. Weshalb? Wohl aus dem einfachen Grunde, weil sonst das Paradigma, welches F. in seiner Grammatik § 50 vorlegt, unrichtig wäre. Als Kuriosum sei hier darauf hingewiesen, dass sämtliche Formen dieses Paradigmas mit einem Sternchen versehen sind, wodurch sie als nicht belegte, rekonstruierte, imaginäre Formen gekennzeichnet werden.

Und nun sollte nach Poebel und F. ausgerechnet mu-DU ein "altsumerischer Beleg für mu-b->mu- sein," dieses mu-DU, welches viele Hundertmale in den vorsargonischen Wirtschaftstexten vorkommt und nie (!) ein Subjektsinfix -b- hat; und wo liegt an der betr. Stelle auch nur ein Versuch P.'s vor, dieses nachzuweisen?

Die Beweismethode der Schule Poebels, die immer wieder mit rekonstruierten Formen arbeitet und die sich auch oft in beiden Bänden F.'s findet, ist unbedingt abzulehnen.

“hinunter” und “herdamit” ist das Gegenteil von “hin-” oder “wegdamit.”

Auf dieses Argument Jestin's, zu dessen Widerlegung die richtige Kenntnis des deutschen Sprachgebrauches genügt hätte, geht F. mit keinem Worte ein. Sein Ziel präzisiert er in dieser Weise: “Unter möglichst umfassender Auswertung des Sprachmaterials der Gudea-Inschriften soll im folgenden eine Klärung des schwierigen Problems der Bedeutung der Konjugationspräfixe versucht werden. Die bisherige weitverzweigte Debatte um diese Grundfrage der sumer. Grammatik wird dabei nur insoweit berücksichtigt, als eine Stellungnahme unvermeidlich ist.

Beide Ziele, die nach diesem Texte F. bei seiner Arbeit vorschwebten, sollen im folgenden sorgfältig geprüft werden. Das positive Resultat, d. h. die Feststellung der Art und Weise, wie in den Gudea-Texten die beiden Konjugationspräfixe verwendet werden, formuliert er knapp also:

“Die Setzung von *mu-* ist verpflichtend, wenn dem Konjugationspräfix ein Infix mit dem pronominalen Element der 1. Pers. Sg.² unmittelbar folgt, also vor **-?-a*, **-?-e*; **-?-ši* und **-?-da*” (a. a. O. 161).

“Die Setzung von *i-* ist bei Gudea verpflichtend, wenn die Verbalform unmittelbar nach dem Konjugationspräfix das pronominale Element der 3. Sg. sächlich *-b-* in der ursprünglichen, der zu *-m-* veränderten Lautform oder in der Schwundstufe vor den richtungsanzeigenden Infixen enthält. Die einzige Ausnahme von dieser Regel stellt das Lokativ-Terminativinfix *-b-e* dar, das in der zu *ni-* dissimilierten Form auch dem Konjugationspräfix *mu-* folgen kann” (a. a. O. 160).

Hierzu zunächst einige Bemerkungen:

a) Bei der Formulierung der Grundregel für die Setzung von *mu-* ist F. offenbar ein Flüchtigkeitsfehler unterlaufen; statt ... “ein Infix” müsste es heißen ... “ein richtungsanzeigendes Infix” (so sicher nach 160 n. 4; 162, 5d) 1; wie auch nach den angeführten Beispielen).

b) Die bei der ersten Grundregel angeführten Beispiele sind sämtlich mit einem Sternchen versehen, durch das sie als nicht

² “Dieselbe Regelung sollte a priori auch für die 1. pers. plur. gelten” (a. a. O. 160 n. 4).

belegte, rekonstruierte, imaginäre Formen gekennzeichnet werden. Höchst sonderbar! Weshalb zur Erläuterung der Regel keine wirklich vorkommenden "Beispiele"?

c) Das Fragezeichen bei eben diesen Beispielen erklärt F. in § 50, a) seiner Gram.: "Die Lautform des Pronomenzeichens der 1. sg. ist bisher nicht ermittelt worden. Da es in sämtlichen Belegen der alt- und neusumerischen Sprachstufe auf vokalische Bildungselemente folgt, muss es ein vokalisches Element sein, das stets im vorhergehenden Vokal aufgeht" (ebenso § 63 b) 1). Nach S. 194 n. 3 "lautet möglicherweise das pronominale Element der 1. pers. sg. -e- und ist mit dem der 2. ps. Sg. identisch."

Wiederum höchst sonderbar! Wenn F. bisher die Lautform des Pronomenzeichens der 1. pers. Sg. nicht ermittelt hat, wie konnte er die erste Grundregel in der angegebenen Weise formulieren? Wäre hier nicht wenigstens eine nähere Erklärung dringend am Platze gewesen?

d) Nach der (ob. § 5) angeführten Stelle versuchte F. in seiner Gram. eine "Klärung des schwierigen Problems der Bedeutung der Konjugationspräfixe."

Die beiden obigen Grundregeln F.s über die pflichtmässige Setzung von mu- und e- bei Gudea sind rein formeller Art und gehen in keiner Weise auf die Bedeutung der beiden Konjugationspräfixe ein. Auf S. 163 wird noch eine zweite Präzisierung der Verwendung der Konjugationspräfixe mu- und i- vorgelegt. Diese lautet: "Die Setzung von i- und mu- in der Praxis der Gudeatexte hängt wesentlich von dem auf das Konjugationspräfix folgenden richtungsanzeigenden Infix ab. Bezieht sich das Infix auf ein der Personenklasse angehörendes Glied des nominalen Satzteiles, steht vorwiegend mu-, bezieht es sich auf ein Wort der Sachklasse, so steht vorwiegend i-." "Daher ist i- das Konjugationspräfix der neutralen Diktion." "Der betonte Hinweis auf ein (ausschliesslich oder überwiegend) richtungsbestimmtes Wort der Personenklasse im nominalen Satzteil verbindet sich mit dem Konjugationspräfix mu-."

Diese "Differenzierung zwischen neutraler Diktion und betontem Hinweis auf ein Wort der Personenklasse" ist nach der Ansicht F.s der Hintergrund der von R. Scholtz angenommenen

Scheidung "zwischen juristischer Rede mit überwiegender Verwendung von i- und der Dedikationsrede mit überwiegender Verwendung von mu-" (a. a. O. 163).

Ob diese von F. angenommene und so stark betonte Bedeutung der richtungsangebenden Infixe für die Wahl von mu- und i- wirklich vorliegt, ist unten näher zu untersuchen. Auf die Möglichkeit, dass auch die Konjugationspräfixe selber richtungsanzeigend sein können, wie doch auch heute noch viele Sumero-logen annehmen, geht er mit keinem Worte ein. Hier kann es genügen, F. zu bitten, uns mit seiner These die Hundertemale vorkommenden Verbalformen zu erklären: mu-na-DU; e-na-ba; e-na-gar. In allen diesen drei ist die Setzung von mu- und e- jeweils "pflichtmässig."

e) Hier wäre noch dringend eine Bemerkung am Platze, dass das Infix -ni- nach F. aus dem Infix -b—e (Lokativ-Terminativ-infix) entstanden sei "durch Dissimilation." Was aber hier zu sagen ist, wird verständlicher and wirksamer in einem anderen Zusammenhang, der unten zur Sprache kommen wird.

Nach diesen fünf vorbereitenden Bemerkungen zu den beiden Grundregeln F.s über die Setzung von mu- und i- können wir jetzt in aller Ruhe die Prüfung der Richtigkeit und praktischen Brauchbarkeit des neuen Vorschlages unternehmen.

Nach F. (a. a. O. 163 n. 3) sind im grossen Ganzen die in der altsumerischen Sprache wirksamen Regeln dieselben wie bei Gudea, insofern, als das Konjugationspräfix mu- vor den richtungsanzeigenden Infixen der 1. pers. Sg., i- vor den Infixen der 3. Sg. "sächlich" gesetzt wird.

Wenden wir das einmal an auf einige der bekanntesten Verbalformen der vorsargonischen Wirtschaftstexte, deren sachliche Erklärung unumstösslich sicher ist.

Das viele Hunderte male vorkommende mu-DU hat überall die Bedeutung: Einkommen, Einkünfte.

Das eingebrachte *Material* kann sein: Getreide (unverarbeitetes oder bearbeitetes wie Mehl, Bier), Gemüse und alle Produkte der Garten- und Baumwirtschaft (wie Zwiebeln und alle Arten von Hölzern, Rohrbündel, Datteln, Trauben usw.), Gross-

und Kleinvieh und alle Erträge der Viehwirtschaft wie Wolle, Tierfelle, Milch, Quark, Salben usw., alle Arten von Fischen — kurz alle Erzeugnisse der damaligen Tempelwirtschaft.

Der *Empfänger* der durch mu-DU bezeichneten Einkünfte war der Tempel der Gemahlin des Stadtgottes ^dBa-u₂. Nur in den sog. maš-da-ri-a-Texten, die die Ablieferung von Festgaben berichten, ist gewöhnlich die Vorsteherin des Tempels, die Frau des pa-te-si bzw. Königs, persönlich die Empfängerin. Daher wird in diesen Texten aus mu-DU: mu-na-DU. Sonst ändert sich die Form mu-DU nie (!), vor allem wechselt sie nie mit irgend einer e-Form.

Die *Ablieferer* der Tempeleinkünfte sind die gegen 1200 in den verschiedenen Betrieben beschäftigten und straff organisierten Tempelangestellten.

Wo sind nun bei mu-DU (bei dem mu- "verpflichtend" ist) die richtungsanzeigenden Infixe der 1. pers. Sg., die unmittelbar auf mu- folgen müssten? Ich sehe überhaupt kein Infix. Und welche Beweiskraft können Infixe haben, die nach vorgefassten Meinungen in diese Form hineinkonstruiert werden?

Hier kann es von Nutzen sein, auch noch kurz auf die beiden Formeln einzugehen, durch welche der Tempelverwalter, der Nubanda, über die Masse der Tempeleinkünfte verfügt. Einen Teil bringt er in nahen Tempelmagazinen unter (Formel: NN Nu-banda e₂-gal-la/ e₂-nig₂-ga-ra ni-DU; so passim), den Rest schafft er weiter weg durch die stehende Formel ba-DU (bzw. ba-ra z. B. bei Wegtreiben von Vieh). Vgl. hiezu VAT 4860 (Or, 16, 20), nach welchem der König Urukagina in seinem 4. Regierungsjahr 120 grössere und kleinere Hölzer schlug (na-ni-mi-ri), sie dem Nubanda En-ig-gal übergab (e-na-sum) und dieser legte sie nieder: e₂-zag-uru-KU-ka ni-DU; dann heisst es weiter: egi₂-bi Pa-te-si-ge₂ ba-DU. Wer ist dieser Patesi im 4. Jahre Urukaginas? Der König blieb doch wohl auch zugleich Patesi.³ Das Präfix ni- in ni-DU ist aber den Anhängern der Schule

³ Vgl. mit diesem Gudea Cyl. A 30, 4 f: Gu₃-de₂-a pa-te-si Lagaš^{ki}-ge temen-bi mu-si (Definition des Ideogr. pa-te-si, bei welcher temen genau so wenig ausgelassen werden kann, wie pons in pontifex; ensi₃ kann also ein zuweilen verwendeter Kurzname dieses Ideogr. sein, sicher aber nicht der volle Hauptname.).

Poebels etwas Unmögliches. Weshalb? Das Infix *-ni-* ist nach ihnen entstanden aus *-b-* *-e* (Lokativ-Terminativ-infix) durch Dissimilation. *-b-* und *-e* sind nun aber wesentlich Infixe und können daher natürlich auch kein Verbalpräfix bilden. Das Praefix *ni-* hängt also mit der Auffassung des Infixes *-ni-* aufs innigste zusammen. Nach meiner Auffassung sind sie identisch und haben die Bedeutung: in, bei, zu etc. Nach P./F. ist das Infix *-ni-* durch "Dissimilierung" aus dem Infix *-b-* entstanden und das Praefix NI ist I_3 zu lesen und identisch mit *e-*.

Wer die These Poebels ($NI = I_3 = E$) als "zweifelloos bewiesen" und "als einen ausserordentlich wertvollen Beitrag zur historischen Grammatik des Sumerischen" ansieht (*OLZ* 34, 296 f.) wird nicht zu überzeugen sein. Doch den gegenwärtigen und besonders den zukünftigen Sumerologen ausserhalb der Schule Poebels sollen hier die Tatsachen über das Verbalpräfix *ni-*, die uns die vorsargonischen Wirtschaftstexte liefern, zum Nachdenken zusammengestellt und unterbreitet werden.

1. a) *ni-DU* in den Texten über die Verfügung der eingelieferten Tempelinkünfte wechselt nie (!) mit irgend einer *e*-Form und dabei kommt es viele Hunderte male vor.

b) Bei diesem *ni-DU* steht passim der Lokativ (genau wie beim Infix *-ni-*). Zuweilen kommen auch zwei andere Verbindungen vor, nämlich:

c) mit $-še_3$ z. B. (Reisigbündel) *bar-še_3 ni-DU a_2-gan_2-nig_2-DUL.DU-ka-še_3 ni-DU . . . a_2-bad_2-še_3 ni-DU* (DP 451) vgl. auch noch DP 318 und Or. 32, 51-53; 21, 62.

d) Etwas häufiger als mit $-še_3$ wird *ni-DU* mit *-ta* verbunden; vgl. DP 620 (Or. 17, 15); DP 400 (*ib.* 19); DP 396 (*ib.* 16); TSA 41 (Or. 17, 5); DP 391 (Or. 17, 12); DP 330 (*ib.* 21, 53); DP 456 (Or. 16, 24); DP 446 (*ib.* 17).

In DP 456 heisst es: *e_2-zag-uru-ka-ta ni-DU*; *En-ig-gal Nu-banda e_2-ki-sil_3-la-ta ni-DU*. In dem Paralleltext DP 446 steht statt des ersten *ni-DU*: *mu-DU*, die also dem Sinn nach einander nahe stehen müssen.

Nach DP 330 wurden Fische *e_2-ki-sil_3-la-ta ni-DU* und *e_2-sal-ta ni-DU*. Diese wurden dann von *En-ig-gal*, *Nu-banda*: $GA_2 + nun-giš-kin-ta-ka$ in der Handwerkerscheune zu Wagenschmier verarbeitet (also mussten vorher die Fische zum *Nu-banda* gebracht sein; also auch hier *ni-DU* = *mu-DU*).

Nach DP 391 werden viele Zwiebelbündel von(-ta) zwei Feldern ni-DU, die dann En-ig-gal Nu-banda: e₂-ki-sil₃-la-ka ni-DU (also mussten sie ihm vorher *hergebracht* sein). TSA 41 läuft diesem Text parallel.

Nach DP 620 wurde eine Menge von Zwiebelbündeln, die von (-ta) drei Feldern einkamen (ni-DU) dem Gärtner vom Nu-banda nachgezählt (e-na-šid). DP 400 ist ein Paralleltext. In allen diesen Texten, in denen ni-DU mit -ta konstruiert wird, hat es eine dem mu-DU nahe Bedeutung (mu-DU = herbringen; ni-DU = einbringen).

2. Zur Klärung der Bedeutung von ni- kann auch folgende Verwendung desselben dienen: Das Dienstpersonal der Patesin bzw. Königin und ihrer Kinder ist oft in anderen Betrieben tätig. Dann heisst es: NN e₂-gal-la/e₂-zid-ka ni-til bzw. NN NN e₂-gal-la ni-sig₇. Wenn aber die Betreffenden nicht an einem Orte, sondern bei Personen arbeiten, heisst es: NN/NN, NN NN-da e-da-til/sig₇. Hier scheint also ni- sächlich und e- persönlich verwendet zu sein. Die obigen Verbalformen finden sich passim (vgl. z. B. die še-ba-Listen, veröff. in Or. 34/35). Statt ni-til steht zweimal e-til und einmal mu-til.

3. Alle mit ni- gebildeten Verbalformen der vorsargonischen Texte sollten systematisch zusammengestellt sein. Im folgenden gebe ich eine kleine Auslese derselben: ni-ag, ni-gar;⁴ ni-kur₆; ni-dab; ni-ku₂; ni-sum; ni-dir; ni-gid₂;⁵ ni-si; ni-de;⁶ ni-DU; ni-tud; ni-tuk; ni-sir₂; ni-du₈; ni-dub; ni-šub; ni-keš-da; ni-ul; ni-uš; ni-sig₇.

Alle diese Formen und manche andere mit diesen sollten nicht rein mechanisch, sondern ihrer Bedeutung nach erklärt werden. Vor allem wäre dabei zu achten auf die Beziehung des Verbalpräfixes ni- zu dem Infix -ni- (dieselben Gründe, welche die Lokativbedeutung von -ni- beweisen, gelten auch für das Präfix ni- !) und zu den Verbalpräfixen mu-, e-, ba-.

Wenn diese Prüfung sorgfältig geschieht, wird sich nach meiner festen Überzeugung klar herausstellen, dass in den vor-

⁴ Vgl. Nik. 232: gu₂-na ni-gar = er setzte auf sein Konto; Fö 184: 147 (iku)gan₂-še gud-e X(= Furchen) ni-si numun-bi ni-gar = der Stier öffnete die Furchen und streute deren Samen hinein.

⁵ Vgl. die Texte über Feldmessung.

⁶ Vgl. die Texte über die Milchwirtschaft.

sargonischen Texten das Verbalpräfix *ni-* nicht identisch ist mit *e-*, sondern eher mit dem Infix *-ni-*, welches dann natürlich nicht durch "Dissimulation" aus dem Infix *-b-* entstanden sein kann.

Wie in den Listen über Tempeleinkünfte *mu-DU*, so sind bei den Lohnlisten und Lieferungslisten *e-na/ne-ba*, *e-(ne)-ta-gar* die stehenden Formeln, die wieder viele Hunderte male vorkommen. M. W. wechselt hier nie *e-* mit *ni-*. Nur zweimal (BM 102081, Or. 43/44 S. 42 Nik. 16, *ib.* S. 113 ff.) steht *mu-ne-ba* statt *e-ne-ba*, weil in beiden Fällen sich in derselben Weise die Bewegungsrichtung von aussen nach innen ändert.

Wo ist nun bei diesen Formen, bei denen offenbar *e-* "verpflichtend" ist, unmittelbar nach dem Konjugationspräfix das pronominale Element der 3. pers. sächlich? Ich sehe ausser den auf Personen sich beziehenden Dativinfixen nichts. Und wer hat den Mut, bei diesen Formen eine "Schwundstufe" anzunehmen?

Die beiden Hauptregeln über das pflichtmässige Setzen der Konjugationspräfixe *mu-* und *e-*, die F. für die Gudea-Texte aufstellt, sind also für die vorsargonischen Wirtschaftstexte, um es milde auszudrücken, gänzlich unbrauchbar.

Am Schlusse seiner Abhandlung über die Konjugationspräfixe nimmt F. in einer Anmerkung (a. a. O. 164) noch kurz Stellung zu RTC 19, von dessen Erklärung der Streit über die Bedeutung der Verbalpräfixe seinen Ausgang nahm. Nach diesem Texte schickten sich die Fürstinnen der beiden Nachbarstädte Lagaš und Adab gegenseitig Geschenke zu. Auch die begleitenden Diener wurden mit Gaben bedacht. Die Verbalformen der Gesandtschaft von Adab nach Lagaš lauten: *šu-mu-na-kid₂*; *mu-da-gin-na-a*; *mu-DU*; *mu-na-sum*; die von Lagaš nach Adab sind: *šu-e-na-kid₂*; *e-da-gin*; *e-na-sum*. Bei den letzteren fehlt also eine dem *mu-DU* entsprechende Form, im übrigen aber stimmen die Verbalformen bis auf die Präfixe überein. Von Adab nach Lagaš haben wir viermal *mu-* und von Lagaš nach Adab dreimal *e-*.

Wenn man nun diesen sonnenklaren Text ins Deutsche übersetzt: NN hat hergebracht (*mu-DU*), NN hat ihr hinausgebracht (*e-na-sum*), darf man diese Erklärung nicht als "grob

gesprochen" bezeichnen, sie ist vielmehr die einzig richtige. Wenn auch in diesem Texte das "Interesse" das Entscheidende für die Wahl der Präfixe mu- und e- gewesen wäre, hätte auch im zweiten Teile des Textes mu- statt e- stehen müssen. Denn die Fürstin von Lagaš schickte offenbar im eigenen Interesse ihre Gaben nach Adab. Das hier über RTC 19 Gesagte wird noch handgreiflicher, wenn man diese Liste zusammenstellt mit den anderen 1800 Täfelchen desselben Verwaltungsarchivs. In allen diesen werden nämlich die Einkünfte des Tempels durch das Verbalpräfix mu- markiert, und die Ausgänge durch e-. Das ist zweifellos sicher. Wer an diesem Grundgesetz rüttelt, versteht die vorsargonischen Wirtschaftstexte nicht; denn durch diese beiden Verbalpräfixe unterscheidet die Tempelwirtschaft das "Soll" und "Haben," die Grundbegriffe jedes rationellen Wirtschaftsbetriebes.

Diese Regel über die Verwendung der Verbalpräfixe mu- und e- hat keine Schwierigkeit bei Verben, die eine Bewegung bezeichnen, bei denen man ein "hin" und "her" unterscheiden kann. Aber es gibt auch Verba, bei denen eine derartige Zentralbewegung nicht festzustellen ist. Ja es gibt Fälle, bei denen die materielle Bewegung vom Zentrum ausgeht, und bei denen trotzdem das Präfix mu- "verpflichtend" ist. Ich verweise hier nur auf SAK 20 b) 5, 1-8, und auf die Jahresnamen, bei denen der König persönlich als Städtezerstörer oder sonstwie angeführt wird, wie SAK 232 n) g; 233, 2.

Die Verbalformen der zweiten Art bildeten bisher den Hauptanstoß gegen die Erklärung jener, nach denen mu- und e- rein dimensionale Bedeutung haben, eine Bewegungsrichtung bezeichnen, die wir im Deutschen durch "hin" und "her" ausdrücken. Diese Schwierigkeit kann jetzt überzeugend behoben werden durch die Annahme einer "intentionalen" Bewegungsrichtung, die einer lokalen diametral entgegengesetzt sein kann. Wenn z. B. der König von Ur dŠulgi Kimaš^{ki} und Ĥumurti^{ki} und deren Land verheerte, ging dieser Feldzug natürlich von Ur aus. Nach der lokalen Bewegungsrichtung wäre also hier eine Form mit dem Verbalpräfix e- am Platze. Der betreffende Text setzt aber eine mu- Form (mu-ĥul). Dieses mu- ist aber pflichtmässig und vollkommen begründet, wenn man bei der Zerstörung der aus-

wärtigen Stadt nicht auf die reale, sondern nur auf die intentionale Interessenbewegung achtet. Die Zerstörung dieser Städte geschah eben im Interesse der Zentrale Ur

Damit fällt aber der letzte Einwurf gegen die These: mußte pflichtmässig bei der realen oder intentionalen (Interessen)-bewegung von Aussen zum Zentrum; bei entgegengesetzter Richtung steht e-.⁷ Ob ein "sächliches" oder persönliches oder ein dimensionales Infix oder sonst irgend einer anderen Art auf die beiden Konjugationspräfixe folgt oder nicht, ist gänzlich gleichgültig und hat keinen Bezug irgend welcher Art auf die Wahl der beiden Konjugationspräfixe.

Im Deutschen können wir die Präfixe mu- und e- nicht immer mit *hin* und *her* übersetzen, weil der deutsche Sprachgebrauch sich zur Bezeichnung der intentionalen Bewegungsrichtung nicht in derselben Weise entwickelte wie der sumerische. Aber beide Sprachen gingen von den gleichen Anfängen aus, d. h. sie bezeichneten ausdrücklich die allgemeine Hin- und Herbewegung vom oder zum Zentrum. Die Weiterentwicklung von der realen zur intentionalen Interessenbewegung ist leicht verständlich, braucht deshalb aber nicht bei beiden Sprachen die gleiche gewesen zu sein; jede ging darin ihre eigenen Wege.

Die obigen Jahresnamen der Regierungszeit Šulgis würde man im Deutschen etwa wiedergeben: Jahr, in welchem Šulgi der König von Ur... die Städte Kimaš und Ħumurtu und deren Land... sich (dat. com.) unterwarf und verheerte (mu-ḫul). Wenn bei den Verbalpräfixen ein *mir* ausgedrückt ist, wird die intentionale Interessenbewegung vielleicht noch leichter erkennbar sein.

Nach Ungn. *Gram. des Ak.* 3. Aufl. S. 3 hat sich das Akkadische unter dem Einfluss der älteren Landessprache, des nicht-semitischen Sumerischen, eigenartig weiterentwickelt. Zu diesen eigenartigen Weiterentwicklungen, die sich im Akkadischen unter dem Einfluss des Sumerischen vollzogen, gehört wohl auch der sog. Ventiv (nach anderen Allativ, Terminativ). Dieser wird gebildet durch das Affix -am (Sg.); -im (Sg. 2. f.); -ûnim (3/2 pl.); -ânim (3/2 f pl.); and -am (1. pl.). Diese Affixe verlängern

⁷ So gefasst ist die Regel ohne jede Ausnahme.

die gewöhnlichen Verbalformen und finden sich besonders bei Verben der Bewegung, deren Bedeutung sie meist stark verändern. Während z. B. die ohne Zusatz gebildeten Formen von alâku die Bedeutung "fortgehen" haben, bedeutet die mit Zusatz versehene "herbeikommen"; oder: innaššû = auferunt; inaššûnim = afferunt.

Die frühere Bezeichnung dieser durch das Affix -am vermehrten Formen als *modus energicus* ist heute aufgegeben. Die neue Auffassung wurde angeregt durch die Beobachtung, dass die mit -am etc. modifizierten Formen in zweisprachigen Texten immer sumer. mu-Formen entsprechen. Da lag es nahe, den Ventiv-Formen dieselbe Bedeutung zu geben, welche mu- im Sumerischen im Gegensatz zu e- bei den Verben der Bewegung hat. Der Zusammenhang zeigte dann, dass diese Auffassung die richtige war.

Die Genugtuung der Sumerologen, nach denen mu- = her, und e- = hin über diese unerwartete Bestätigung ist leicht verständlich.

Die Idee eines *Direktionalis* und *Intentionalis*, die in den sumerischen Konjugationspräfixen mu- und e- und in dem vom Sumer. beeinflussten akkadischen Ventiv vorkommt, spielt auch im modernen Deutschen, in den kaukasischen und in den afrikanischen Sudansprachen eine Rolle ersten Ranges; denn in all diesen modernen Sprachen wird das "hin" und "her" ausdrücklich bezeichnet.

Der Versuch Jestins und Falkensteins, die Wahl der Konjugationspräfixe mu- und e- "wesentlich von dem auf das Konjugationspräfix folgenden richtungsweisenden Infixe abhängig zu machen," kann als gänzlich missglückt angesehen werden. Denn sämtliche dimensionalen Partikel können im Deutschen sowohl mit "hin" wie mit "her" verbunden werden, ein sicherer Beweis, dass diese konkreten Ortsangaben nichts über diese allgemeine Richtungsbewegung "hin" und "her" aussagen.

Wenn also ebenso im Sumerischen sämtliche dimensional Infixe sich mit den beiden Konjugationspräfixen mu- und e- verbinden können, hindert uns nichts, in ihnen die allgemeine Richtungsangabe "hin" und "her" zu sehen.

Das Gesagte gilt zunächst für alle vorsargonischen Wirtschaftstexte. Für die der späteren Perioden ist die Prüfung nach dieser Seite hin noch zu machen, auch für die Texte von Gudea. Statt der peinlichen Festlegung des Infixes, welches auf die beiden Konjugationspräfixe folgt, wäre zu untersuchen, welche Bedeutung *mu-* und *e-* an der betreffenden Stelle haben und wie wir in der deutschen Übersetzung dem Gedanken des Urtextes nahe kommen können.

Bei obiger Besprechung der "Grammatik der Sprache Gudeas" wurde nur ein Punkt herausgegriffen, die Grundfrage der sumerischen Grammatik, die Klärung des schwierigen Problems der Bedeutung der beiden Konjugationspräfixe *mu-* und *e-*.

Die beiden grossen Bände der so sorgfältig bearbeiteten Grammatik behandeln aber auch noch viele andere Dinge, welche sehr der Beachtung würdig sind. Insbesondere beschäftigt sich F. eingehend mit der Erklärung der so schwierigen religiösen Texte Gudeas. Die Resultate dieser Übersetzung sind schwer zu übersehen, da sie über die vielen Abschnitte des umfangreichen Werkes verzettelt sind. Ob sie einen grossen Fortschritt in der Deutung dieser so dunklen Texte bedeuten, darüber mute ich mir kein Urteil zu. Das mögen jene uns sagen, die sich ihr Leben lang mit ihnen beschäftigt haben.

STUDIES IN MIDDLE-ASSYRIAN CHRONOLOGY AND RELIGION

PART II

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CHAPTER 4

THE RULE OF NINURTA-TUKULTI-AŠŠUR

I. Among the most thoroughly documented years within the Middle-Assyrian period is the eponymy year of *Sîn-šeja*. Starting in the month before his accession to the eponymy,¹ each month of the twelve-month period is represented by at least one,² and generally by several official documents and memoranda concerning tribute and offerings presented to *Ninurta-tukulti-Aššur*. The tablets have been studied in detail by Ebeling and by Weidner,³ from whose conclusions much of the following material is summarized.

The tablets were originally assumed to come from the reign of *Ninurta-tukulti-Aššur*,⁴ who plays a prominent role in more

¹ The immediate succession of the two eponymy years of *Aššur-šêzibanni* and *Sîn-šeja* is demonstrated in *W.* 50, where lines 40-44 are transliterated by Weidner as follows:

iš-tu araḥ ḫi-bur ūmu 11^{ka}[u] li-me
^mAš-šur-ētir-a-ni mār Pa-'u-z[i]
a-di araḥ ši-pi ūmu 28^{kan}
li-me ^{md}Sîn-še-ja
mār Arad-ilāni^{meš}.

² On the month of *muḫur-ilāni*, see *Assur* 13058, 13 transliterated by Weidner, *AfO* X, page 30.

³ Ebeling, *Urkunden*, pages 26-37; Weidner, "Aus den Tagen eines assyrischen Schattenkönigs," *AfO* X, pages 1-52. Beyond the texts published in *KAJ*, and listed below, Ebeling presents, in the *Urkunden*, three further documents from this period (*VAT* 9363; 9378; 9405). Weidner, in addition to these, gives in his article the transliteration of two historical texts (*Assur* 12758; 13058; pages 30 ff.) and of numerous memoranda, etc., which are parallel to the tablets published in *KAJ*, and which he numbers from 50 to distinguish them from Ebeling's publications (*W.* 50-111; *op. cit.*).

⁴ *Ibid.*

than half of the transactions. With the discovery of the Khorsabad King List, however, some doubts have arisen concerning this conclusion. Poebel⁵ finds the following objections to Weidner's theory of the "Schattenkönig":

- 1) the title "king" is never given to Ninurta-tukulti-Aššur in the entire collection of documents;
- 2) the tablets cover a period of almost twelve months, a possibility quite precluded in Poebel's chronological interpretation of the King List;⁶ and finally,
- 3) the mention of the "100 sheep of Mutakkil-Nusku" (W. 98) brings Poebel to reject Weidner's theory that Ninurta-tukulti-Aššur was a usurper to the throne,⁷ and hence his entire chronological reconstruction.

On the other hand, by contesting Poebel's understanding of the term *tuppišu*,⁸ as used in the King List, Weidner attempts to maintain his former conclusion that the documents in question belong to the actual reign of Ninurta-tukulti-Aššur.⁹ Weidner

⁵ *JNES* II, pages 62 ff.

⁶ "The year in which Ninurta-tukulti-Aššur was king also comprised, as we now know, a fraction of the reign of Aššur-dân, as well as the reign of Mutakkil-Nusku and a fraction of the reign of Aššur-rêša-iši," *ibid.* page 65. Poebel relies upon the explanation of "*tuppišu*" given by Oppenheim, *RA* XXXIII, pages 143 ff.

⁷ This last objection, however, is hardly decisive in a discussion of the chronological problem. The Khorsabad King List makes it evident that Weidner can no longer maintain the hypothesis of Ninurta-tukulti-Aššur's usurpation (cf. *Afo* XIV, page 366). But this should not affect any conclusion concerning the length of his reign. Moreover, the role of Mutakkil-Nusku in this tablet is not the same as that of Ninurta-tukulti-Aššur in the contemporary documents. The memorandum says nothing of a *namurtu* which is offered to him. It is therefore not "quite obvious," on this basis at least, that "the tablets mentioning Ninurta-tukulti-Aššur and Mutakkil-Nusku date from the time of Aššur-dân, in which both brothers had no higher rank than that of royal princes" (*loc. cit.*). Even if Ninurta-tukulti-Aššur is only crown-prince at the time of these documents, his status as the receiver of *namurâte* is at any rate superior to that of his brother.

⁸ In the King List, Rev. I, lines 32-36:

¹*d*Ninurta-tukul-ti-aš-šur / mâr ¹aš-šur-dâna[n] (line 33) *tup-pi-šú / šarru-ta êpuš*^{u5} (line 34) ¹*mu-tak-kil-d*nusku / aḥu-šú *itti-šú i-duk* . . . (line 36) *tup-pi-šú* ¹*mu-tak-kil-d*nusku ^{is}kussâ / uk-ta-il šadâ e-mid (transliteration of Weidner, *Afo* XIV, page 364).

⁹ *Ibid.*, page 366; cf. *Afo* XIII, page 111, note 12.

will not admit that the term is employed to designate the reign of a king who does not enjoy a full regnal year. On the contrary, he takes the usage in the Khorsabad King List as proof that the term is used to designate the reign of a king which extends precisely for one year.

Weidner's conclusion is modified by Landsberger.¹⁰ On the basis of parallel usages, Landsberger attempts to show that *tuppišu* is a term used to designate any unspecified period of time.¹¹ Hence, he concludes, there is no difficulty in maintaining Weidner's conclusion that all of the tablets come from the reign of Ninurta-tukulti-Aššur, the duration of which is not to be determined.

It seems unlikely, however, in view of the precise formulation of the Khorsabad King List, that two brief periods of time should have been totally unaccounted for by the Assyrian chroniclers, and that they should have been so vague concerning the length of the reigns of the six successors of Aššur-dugul (Col. 2, lines 10 f.) or of the two sons of Aššur-dân (Col. rev. 1, lines 33, 36). According to Landsberger, it is tendentious reasoning to expect exactness and continuity in such a historical source, and to interpret it in agreement with such expectation.¹² Actually, however, the King List gives the unmistakable impression of attempting such accuracy; and Landsberger himself is forced to assume that, in the second case at any rate, a sense of shame at the strife of the two royal brothers led the chroniclers to suppress the length of their reign.¹³

Furthermore, Landsberger's criticisms of Poebel's translations, although justified in some details, do not disprove the main conclusion which Poebel sought to draw from the use of the expression *tuppišu*, as it is found in the King List. If *tuppišu* cannot be considered as an abbreviation of *ina tuppišu*,¹⁴ it might still be read, in the sense intended by Poebel, as an accusative of time. Poebel's theory of textual corruption¹⁵ is, of course, unsatisfactory. But Landsberger's solution, the trans-

¹⁰ "Jahreszeiten im Sumerisch-Akkadischen," *JNES* VIII, pages 265 ff.

¹¹ Thus, the difficulty presented by Column II, lines 10 f. of the King List (6 *šarrâni bâb tuppišu šarrûta êpuš*) would be obviated. *Ibid.*, pages 267, 270.

¹² *Op. cit.*, page 268.

¹³ *Ibid.*, page 269.

¹⁴ See *ibid.*, page 268.

¹⁵ *JNES* I, page 462.

lation of 6 *šarrāni* by "eine Sechszahl von Königen,"¹⁶ in no way eliminates Poebel's chronological hypothesis, and should not, therefore, be urged as a criticism of Poebel's conclusion. Nor is Poebel's interpretation of *ukla'il* as a pluperfect¹⁷ absolutely necessary to his thesis.

Landsberger's criticisms of Poebel are not, therefore, definitive in the interpretation of the King List. Even if Landsberger's explanation of *ṭuppu* as an unspecified period of time is correct, such a meaning may, for the King List, be reconciled with Poebel's chronological reconstruction. Assuming, with Poebel, that the suffix *-šu*, as used with the term *ṭuppu* in the King List, has reference, always, to the preceding king, then "his period" could, without difficulty, have come to mean "the unexpired period of his last regnal year."

The only problem, therefore, is to reconcile the chronology of the King List with the fact that the juridical tablets in question must, by any system of reckoning, extend for at least one full year.¹⁸ The long reign which is assigned to Aššur-dân, the father of Ninurta-tukulti-Aššur, suggests the possibility of a solution.¹⁹ It is not unreasonable to suppose that towards the end of his father's reign, Ninurta-tukulti-Aššur acted as regent of the kingdom. In this way, we may explain the importance which he assumes in these memoranda, and the vast quantity

¹⁶ *Op. cit.*, page 267.

¹⁷ *JNES* II, page 70.

¹⁸ The Assyrian year at this time began in the month of *Šippu*; whereas the tablets in question extend from the first day of *Ḫibur*, the twelfth month of the preceding year, until *Abu-šarrāni*, the eleventh month of the eponymy of Sin-šeja. Thus, whether by a system of post-dating or of ante-dating, at least one of these two years would have to be reckoned to the reign of Ninurta-tukulti-Aššur if he were king during the period of the writing of the tablets. On the beginning of the Assyrian year with the month of *Šippu*, see the references to *KAJ* 10 and *Assur* 13058kl in Lewy, *AC*, page 35. Lewy has also called my attention to *KAJ* 106, where the *ām šarri* (line 12) seems to be the first day of *Šippu* (line 18). Since the eponymy year in this period likewise begins in *Šippu*, the confusion of the calendar which is observed in late Middle-Assyrian times must have become evident only after the reign of Ninurta-tukulti-Aššur. On this calendric confusion, see Weidner, *Afo* V, page 184; X, pages 28 f.; Lewy, "The Assyrian Calendar," *AO* XI, p. 46.

¹⁹ Weidner, *Afo* XIV, page 364, col. rev. 1, 31.

of the tribute which is brought to him; and conversely, the absence of the term *uklum* following his name becomes readily understandable.

II. The Documents of this period.

A. The following documents come from the month of *Hibur* in the eponymy of Aššur-šêzibanni:

- KAJ* 197 (*Hibur* 28, see lines 1 ff.)
- KAJ* 237 (*Hibur* 19, see lines 13 f.)
- KAJ* 281 (*Hibur* 24, see lines 10 f.)
- W.* 51 (*Hibur* 1, see lines 7 f.)
- W.* 52 (*Hibur* 13, see lines 12 f.)
- W.* 53 (*Hibur* 19, see lines 10 f.)
- W.* 54 (*Hibur* 25, see lines 7 f.).

The close connection of his eponymy with that of Sîn-šeja is clear for several reasons, in addition to the indication given by *W.* 50, 40-44:

- 1) the mention of Ninurta-tukulti-Aššur (*W.* 50, 13; 53, 3.)
- 2) the mention of *Mutta*, known as an official of Ninurta-tukulti-Aššur from such tablets as *W.* 53 (lines 3, 5) and *KAJ* 282 (lines 5, 7). (See *KAJ* 237, 10; *W.* 51, 4; 52, 6; 53, 5.)
- 3) the mention of *Buza*, likewise an official of this period, as is shown by *W.* 50 (lines 3, 13) and numerous documents of the eponymy of Sîn-šeja. (See *KAJ* 281, 7; *W.* 50, 3.)

B. The following documents come from the eponymy of Sîn-šeja:

- KAJ* 131 (*Qarrâtu* 20, see lines 12 ff.)
- KAJ* 185 (*Allanâtu* 6, see lines 16 f.)
- KAJ* 186 (*Šippu* 19, see lines 10 ff.)
- KAJ* 187 (*Sîn* 1, see lines 18 ff.)
- KAJ* 188 (*Qarrâtu* 29, see lines 18 ff.)
- KAJ* 189 (*Šippu* 23, see lines 14 f.)
- KAJ* 191 (*Ša-kinâte* 7, see lines 17 f.)
- KAJ* 192 (*Tanmartu* 15, see lines 28 f.)
- KAJ* 193 (*Sîn* 6, see lines 12 f.)

- KAJ 194 (*Tanmartu* 25, see lines 8 ff.)
 KAJ 195 (*Ša-kinâte* 18, see lines 11 ff.)
 KAJ 198 (*Ša-kinâte* 22, see lines 11 ff.)
 KAJ 199 (*Šippu* 12, see lines 14 f.)
 KAJ 200 (*Kuzallu* 5, see lines 8 ff.)
 KAJ 201 (*Qarrātu* 20, see lines 10 ff.)
 KAJ 202 (*Ša-kinâte* 4, see lines 7 ff.)
 KAJ 203 (*Šippu* 2, see lines 15 f.)
 KAJ 204 (*Qarrātu* 2, see lines 15 f.)
 KAJ 205 (*Šippu* 3, see lines 16 f.)
 KAJ 206 (*Tanmartu* 7, see lines 10 ff.)
 KAJ 207 (*Šîn* 4, see lines 6 ff.)
 KAJ 208 (*Ša-kinâte* 15, see lines 19 f.)
 KAJ 209 (*Tanmartu* 14?, see lines 1, 14 f.)
 KAJ 210 (*Kuzallu* 11, see lines 13 f.)
 KAJ 211 (*Allanātu* 21, see lines 15 ff.)
 KAJ 212 (*Allanātu*, see lines 14 f.)
 KAJ 213 (*Allanātu* 26, see lines 15 ff.)
 KAJ 214 (*Šîn* 5, see line 24)²⁰
 KAJ 216 (*Qarrātu* 11, see lines 15 f.)
 KAJ 221 (*Qarrātu* 15, see lines 12 f.)
 KAJ 222²¹
 KAJ 235 (*Qarrātu*, see lines 7 f.)
 KAJ 254 (*Qarrātu* 18, see lines 22 f.)
 KAJ 264 (*Qarrātu* 21, see lines 19 f.)
 KAJ 265 (*Šippu* 16, see lines 12 f.)
 KAJ 278 (*Tanmartu* 8, see lines 12 ff.)
 KAJ 280 (*Bêlat-êkallim* 11, see lines 15 ff.)
 KAJ 282 (*Allanātu* 3, see lines 15 f.)
 KAJ 283 (*Qarrātu* 28, see lines 15 f.)

²⁰ The name of the *limu* is restored on the basis of the mention of Ninurta-tukulti-Aššur (line 4), and the month of *Šîn*, which excludes the possibility of the eponymy of Aššur-šêzibanni.

²¹ Although undated, this document is evidently from this same period. Šamaš-amranni, mentioned in the tablet among a list of millers (line 3) and brewers (line 4), is undoubtedly the brewer of KAJ 213, 8; 214, 17; etc. Saggilu (line 2) is likewise a brewer, known from KAJ 214, 15. Urad-Adad the miller (line 3) occurs in KAJ 214, 11; 237, 3; and W. 78, 7.

- KAJ* 284 (*Kuzallu* 17, see lines 10 f.)
KAJ 286 (*Tanmartu* 30, see lines 9 f.)²²
KAJ 288 (*Qarrātu* 29, see lines 15 ff.).

In addition to these documents, *W.* 50 and *W.* 55–III were written in the same year, although the precise date of *W.* 100–III is not given, and one or two of them may belong to the last month of the eponymy of Aššur-šêzibanni. To these documents are to be added

- Assur* 13058 (*Muḫur-ilâni* 1), and
Assur 12758

given by Weidner, *AfO*, X, page 30; as well as the documents

- VAT* 9363 (*Kuzallu*),
VAT 9378 (*Ša-sarrate* 2), and
VAT 9405 (*Qarrātu* 22)

published by Ebeling (*Urkunden*, page 37). Of these, all except *Assur* 12758 are explicitly from the eponymy of Sin-šeja; this last tablet is to be dated in the same or in the previous eponymy.

C. It is possible that certain other tablets, not directly contemporary, may be fairly close in time of origin to these documents of the reign of Ninurta-tukulti-Aššur. It should be pointed out, however, that none of the identifications made below can be regarded as definitely established.

1. *KAJ* 92. The following parallels should be noted:

- a) Urad-Kube (lines 2 f.) presents fifteen sheep for a feast²³ of the city of Ninua. Perhaps he is to be identified with the *ḫaziānu* of *KAJ* 265 (lines 3 f.) who presents ten sheep to Ninurta-tukulti-Aššur.

²² The restoration of the name of Sin-šeja seems reasonable. The form of the document, describing the daily assignment of sheep for the young lions, is characteristic. Once again, the month *Tanmartu* excludes the possibility of the eponymy of Aššur-šêzibanni.

²³ On this interpretation of *ta-kûl-te* (l. 4), cf. note 25, below.

b) Eru-apla-iddina, a somewhat unusual name, is given as the *lîmu* of this tablet (line 12). Can this also be the man who offers a tribute of sheep to Ninurta-tukulti-Aššur (*KAJ* 211, 4)?²⁴

2. *KAJ* 101. It is barely possible that the Ninuajâ mentioned in this tablet (line 10) is to be identified with the *mušalšiânu* of *KAJ* 92. In *KAJ* 92, he receives fifteen sheep from a certain Urad-Kube for the feeding of Nineveh. In *KAJ* 101, his agent (*Aššur-apil-iddina* . . . *ša dunni ša Ninuajâ Purudajâ*, lines 9 ff.) receives a large quantity of grain, ewes, and harvesting men from Adad-ušammiḫ, the *abarakku* of the royal city. Of this grain, the following report is given:

(line 11) . . . *še'um^{um.meš}* (line 12) *an-ni-ú i-na la-a šu-a-te*
(line 13) *bît-su ú-ba-li-ti*.

["This grain, of that not belonging to him, has kept alive his house" (?)].

In *KAJ* 92, also, a Ninuajâu (lines 7, 9) receives a number of sheep offered by Urad-Kube, and is referred to as the "host" (*mu-šal-ši-a-nu*, line 10).²⁵ It is possible that the same situation is referred to in both tablets; but such an identification must remain extremely hypothetical.

3. *KAJ* 129.

a) Samnuḫa-ašarid (line 5), the *abarakku* who engages Ninuajâu on behalf of the palace, may be mentioned as one

²⁴ On the other hand, the Ninuajâu who, in this tablet, receives the sheep from Urad-Kube, cannot reasonably be identified with the brewer (*amēlRIQ*), known from several tablets of the time of Ninurta-tukulti-Aššur (*KAJ* 185, 2 f.; 213, 6; 214, 19; 264, 15; 282, 11; *W.* 78, 6; 101, 13). The name Ninuajâu seems to be quite common, especially in the later Middle-Assyrian period. In addition to the Ninuajâu of *KAJ* 92 and 101, and to the brewer of the time of Ninurta-tukulti-Aššur, a further Ninuajâu is mentioned in *KAJ* 129 (see below *s. v.* *KAJ* 129); and yet another Ninuajâu appears as a *lîmu*-officer from the time of Tukulti-Ninurta (*VAT* 16381; see Weidner, *Afo* XIII, Plate VI, line 2).

²⁵ Interpretation suggested by J. Lewy, from the root *šasû*, "to call" (*HWB*, 676; *Muss-Arnolt*, page 1076). The *ta-kûl-te* of line 4 is interpreted as "feast."

of those bringing tribute to Ninurta-tukulti-Aššur in *KAJ* 205, 1.

b) the *limu* of this tablet, *Ta-[ḫu-l]u* (line 19, to be restored on the basis of *KAJ* 126, rev. 6; cf. Weidner, *AfO* XIII, page 118) may likewise be the tributary of Ninurta-tukulti-Aššur mentioned in *KAJ* 282, 4.²⁶

4. *KAJ* 126. This document has the same *limu*, *Taḫulu*, as *KAJ* 129 (see item 3b), above.

5. *KAV* 159. *Samnuḫa-ašarid*, the official of *KAJ* 205, 1 and *KAJ* 129, 5, may be the *limu* intended in *KAV* 159, 12.

6. *KAJ* 302. *Ḫimsateja*, mentioned as a shipowner in *KAJ* 302, 10, may be the same as *Ḫimsateja mār Subuniša* of *KAV* 159, 2. This possible reading of *KAJ* 302, 10 is overlooked by Ebeling (*Eigennamen*, page 42).

7. *KAJ* 259. Perhaps *Ninurtaja*, known from *KAJ* 192, 2²⁷ and from *KAJ* 284, 3 as a *bêl paḫite* of the time of Ninurta-tukulti-Aššur, may be intended likewise in *KAJ* 259, 5, 8.

²⁶ However, the *Ninuajâu* of this tablet appears to be a craftsman employed to perform work on the copper implements mentioned in lines 1 and 2. He would hardly be the brewer known from other tablets of the reign of Ninurta-tukulti-Aššur (see above, note 24).

The mention of ^d*Kâr-Tukulti-Ninurta* makes the document not earlier than the reign of Tukulti-Ninurta I. Our tentative date, more than a century later, however, is not made impossible by this consideration (but see Weidner, *AfO* XIII, page 118). To be sure, the city of *Kâr-Tukulti-Ninurta* is mentioned in a text which has been dated by Müller in the reign of a close successor of Tukulti-Ninurta (*Ass. Rit.*, Text I, col. III, lines 40 ff.; and *ibid.*, page 5). But Müller's dating of this text is also based on the assumption that the city was destroyed soon after the death of its founder; linguistic and other evidence permits only a much vaguer approximation of the date of the text.

²⁷ Reading ^d*NIN.IB(!)-ja* in *KAJ* 192, 2.

CHAPTER 5

SOME ASPECTS OF ASSYRIAN RELIGION

A chronological arrangement of the onomastic material of the Middle-Assyrian contracts enables us to draw a number of conclusions. The rise and fall in influence of different members of the pantheon¹ reflect, above all, a growing cosmopolitanism, which accompanied the expansion of the Assyrian empire in the thirteenth century. A summary of the relevant information is given in the following tables:

TABLE VI

THE FREQUENCY OF THE THEOPHOROUS ELEMENTS
IN MIDDLE-ASSYRIAN NAMES²

I. The fifteenth and fourteenth centuries

Element	Minimum Number of occurrences	Maximum Number of occurrences	Percentage
<i>Adad</i>	31	43	9.6
<i>Amurru</i>	6	7	1.6
<i>Anum</i>	3	3	0.7

¹ Evidently, every numerical difference is not of significance. Names which occur only once or twice in a certain period may be lacking elsewhere purely as a result of coincidence. Each of the deities Urra, Išum, and Ḫamru is known in the fourteenth century from one name only; whereas in the documents of the thirteenth century, they are entirely lacking. On the other hand, the situation with respect to the deities Ḫarbe, IB and Mer is precisely the reverse. Of course, no conclusions are to be drawn from such limited evidence.

² The conclusions may be checked by using the list of proper names collected by Ebeling (*Eigennamen*), together with the corrections given in the Appendix, pages 135 ff., below. The names are to be dated on the basis of the chronological tables which conclude each of the previous chapters. The minimum number of references to any person is determined by assuming that, unless otherwise evident on the basis of paternity, profession, etc., the same name may refer to a person already counted in a contemporary document. The maximum number is determined by making only the necessary or probable identifications. Since this latter figure is generally the most reliable, it alone has been converted to a percentage. The minimum figure is retained to show the largest possible extent of error.

TABLE VI (*Continued*)

Element	Minimum Number of occurrences	Maximum Number of occurrences	Percentage
<i>Aššur</i>	50	76	17.0
<i>Bêl</i>	18	25	5.6
<i>Bêlat-akkadi</i>	1	1	0.2
<i>Ber</i>	5	6	1.3
<i>Bur</i>	2	2	0.4
<i>Ea</i>	1	1	0.2
<i>Êkur</i> }	2	4	0.9
<i>Iâkku</i> }			
<i>Enlil</i>	8	8	1.8
<i>Idigla</i>	3	9	2.0
<i>Ilu</i>	60	74	16.6
<i>Ilâni</i>	1	1	0.2
<i>Ištar</i>	2	4	0.9
<i>Kubi</i>	25	45	10.1
<i>Marduk</i>	12	14	3.2
<i>Nabû</i>	2	3	0.7
<i>Ninurta</i>	1	1	0.2
<i>Papsukkal</i>	2	2	0.4
<i>Sîn</i>	26	28	6.3
<i>Šamaš</i>	45	58	13.0
<i>Šerua</i>	11	16	3.6
<i>Tašmetum</i>	6	11	2.5
<i>Tešup</i>	1	1	0.2
Others	3	3	0.7

II. The thirteenth century

Element	Minimum Number of occurrences	Maximum Number of occurrences	Percentage
<i>Adad</i>	65	86	18.0
<i>Amurru</i>	4	4	0.8
<i>Mârat-Anim</i>	1	1	0.2
<i>Aššur</i>	68	94	19.7
<i>Bâbu</i>	2	3	0.6
<i>Bêl</i>	16	19	4.0

II. The thirteenth century (*Continued*)

Element	Minimum Number of occurrences	Maximum Number of occurrences	Percentage
<i>Bêlat-êkallim</i>	1	1	0.2
<i>Ber</i>	10	11	2.3
<i>Ea</i>	3	3	0.6
<i>Êkur</i> }	4	5	1.0
<i>Iâkku</i> }			
<i>Enlil</i>	8	8	1.7
<i>Gula</i>	2	2	0.4
<i>Idigla</i>	2	5	1.0
<i>Ilu</i>	38	48	10.0
<i>Ilâni</i>	6	9	1.9
<i>Ištar</i>	15	18	3.8
<i>Kubi</i>	8	11	2.3
<i>Marduk</i>	15	19	4.0
<i>Nabû</i>	7	7	1.5
<i>Nergal</i>	3	3	0.6
<i>Ninua</i>	1	1	0.2
<i>Ninurta</i>	4	4	0.8
<i>Nusku</i>	5	5	1.0
<i>Papsukkal</i>	2	2	0.4
<i>Sîn</i>	25	35	7.3
<i>Šamaš</i>	40	49	10.2
<i>Šerua</i>	2	8	1.7
<i>Šulmânu</i>	2	6	1.3
<i>Tašmetum</i>	5	6	1.3
Others	5	5	1.0

III. The twelfth century

Element	Minimum Number of occurrences	Maximum Number of occurrences	Percentage
<i>Adad</i>	20	23	23.5
<i>Amurru</i>	1	1	1.0
<i>Anum</i>	1	1	1.0
<i>Aššur</i>	17	18	18.3
<i>Bâbu</i>	1	1	1.0

III. The twelfth century (*Continued*)

Element	Minimum Number of occurrences	Maximum Number of occurrences	Percentage
<i>Bêlat-êkallim</i>	2	2	2.0
<i>Ber</i>	1	1	1.0
<i>Enlil</i>	1	1	1.0
<i>Eru</i>	2	2	2.0
<i>Gula</i>	3	3	3.1
<i>Ilu</i>	1	1	1.0
<i>Ilâni</i>	1	1	1.0
<i>Ištar</i>	5	5	5.1
<i>Kubi</i>	2	3	3.1
<i>Marduk</i>	7	9	9.2
<i>Nabû</i>	1	1	1.0
<i>Ninurta</i>	2	2	2.0
<i>Nusku</i>	1	1	1.0
<i>Sakkil</i>	1	1	1.0
<i>Samnuḫa</i>	1	3	3.1
<i>Sîn</i>	10	12	12.2
<i>Šamaš</i>	4	4	4.1
<i>Šerua</i>	1	2	2.0

I

The cosmopolitan tendency appears, firstly, in the growing use of the element "Adad" in Middle-Assyrian theophorous names. The worship of Adad, both in Assyria and Babylonia is attested from the oldest until the most recent times of Akkadian culture.³ In the historical inscriptions of Assyria, he appears side by side with Aššur as the supreme god.⁴ But in Old Assyrian times, the

³ Cf. the article "Adad," *RLA* I, pages 22 f.; Schlobies, H., *Der akkadische Wettergott in Mesopotamien* (*MAOG* I, Part 3), 1925.

⁴ Cf. the formula "May Aššur and Adad hear his prayers, etc." For the time of Puzur-Aššur II, see Andrae, *Fest.*, page 156, lines 13 f. For the time of Aššur-rim-nišešu, see *KAH* I, 63, 14. In some cases, for a particular reason, an additional deity is added to the two supreme deities; thus, Bêl-šarri, on the occasion of the building of Aššur-uballiṭ's palace (*KAH* II, 27, 27) or Ištar-dinittum on the occasion of the dedication of her temple (*KAH* II, 28, 11 f.) in the same reign.

predominance of Aššur was overwhelming. As a specifically Assyrian god, he appears in theophorous names more than three times as frequently as Ištar, five times as frequently as Šîn, and almost eight times as frequently as Adad.⁵ In the fourteenth century, the use of "Aššur" still predominated, and the name of Šamaš preceded that of Adad. A century later, however, "Adad" was employed almost as frequently as "Aššur" in theophorous names; and by the time of Ninurta-tukulti-Aššur, the name of Adad accounted for almost a quarter of all the theophorous names, and that of Aššur for less than twenty per cent.

That this development is to be explained on the basis of a growing cosmopolitanism seems fairly clear. Adad, as the old supreme deity, with no particularly local affiliations, would be more appealing than Aššur to the heterogeneous elements of a growing empire. Unlike Aššur, he does not appear as a god of conquest in the Middle-Assyrian onomasticon; only Aššur appears in such warlike names as "Aššur-mukanniš" (*KAJ* 162, 26) or "Aššur-mukaššid"⁶ (*KAV* 209, 3); and such names are, in themselves, particularly infrequent. Perhaps, in this change, there is reflected a realization that the task of a conqueror extends beyond mere conquest to the systematic administration of the conquered territories.

The growing use of Hurrian elements within the Assyrian onomasticon points to the same cosmopolitan influences, and offers some confirmation of our conclusion. The vast majority of the names in the Middle-Assyrian documents coming from Aššur are of Akkadian origin; and of these, the greater number are theophorous in formation. Nevertheless, a considerable number of names remain which are not to be explained on the basis of Akkadian; and in many cases Hurrian etymologies⁷ have been

⁵ Based on the Akkadian theophorous names of the Cappadocian tablets collected by F. J. Stephens (*Personal Names*). Note also the corrections which are to be made to this list on the basis of Lewy, *OLZ* XXXIV, pages 343 ff.

⁶ In all probability, ^d*En-lil-KUR-id* of *KAJ* 7, 37, 42 is to be read "Enlil-kāšid" ("Enlil has arrived," referring to the image of Enlil on some festive occasion). The various occurrences of *Bal-tu-KUR-id* (Ebeling, *Eigennamen*, page 30) make this reading more likely than Ebeling's alternate suggestion of "Enlil-ukaššid" (*ibid.*, page 38).

⁷ For the relevant literature, see Ebeling, *Eigennamen*, pages 117 ff.

established or suggested. The significance of the occurrence of these names is, however, to be considered with caution.

In the first place, it is not always possible to decide whether or not the bearer of a foreign name is a native Assyrian or an immigrant living in Aššur. Evidently Melisaḥ, the son of Aššur-aḥ-iddina, grandson of Adad-šar-ilâni and great-grandson of Aššur-išmanni, is himself an Assyrian, despite his foreign name. On the other hand, the family of Zamuteja, whose son is called Ḫubite and whose grandsons are Išum-nâšir and Apiḫau, are certainly not to be considered native Assyrians. Unfortunately, the choice is not always so easily made.

Despite these limitations, however, the following generalizations can be ventured. Hurrian influence becomes much more significant in Assyria in the thirteenth and twelfth centuries than it had been a hundred years earlier. To be sure in the reign of Aššur-uballiṭ, possibly two men of Hurrian⁸ extraction had served as *lîmu*-officers.⁹ But it is significant that the father in each case gave his son an Akkadian, though not specifically Assyrian, name. There are even two cases where children of Akkadian families may have received Hurrian names.¹⁰ But together with one undoubtedly Hurrian family,¹¹ this is the extent of Hurrian influence, as it is revealed in our sources before the thirteenth century.

Before long, however, Hurrian influence becomes much more

⁸ On the Hurrian etymologies of the names mentioned in this section, see Ebeling, *loc. cit.*, unless otherwise stated.

⁹ *Ibašši-ilu mâr Niruabi* (KAJ 12, 29 f.; 63, 28) and *Rîmanni-Marduk mâr Tuttaja* (KAJ 24, 28 f.; but cf. note 48, below). Perhaps *Šumu-libši mâr Ardi-Tešup* (KAJ 41, 18; 154, 23) is a similar case of a Hurrian who receives an Akkadian name. Lastly, Innamir, the son of Šururija (KAJ 146, 19, 21; 35, 23, 26) may be an example of the same trend (On the reading in KAJ 35, see HUCA XXIV, p. 213). Ebeling gives no suggested etymology for Šururija (*Eigennamen*, page 89). But the elements *Šur* (Clay, page 34), *Uri* (*ibid.*, page 35) and *ja* (cf. Gustavus, *AfO* XI, pages 146 ff.) are known as components of Hurrian names. The possibility of a Hurrian etymology for this name is thus to be considered.

¹⁰ Katiri (KAJ 165, 1, 13, 21, 23) and Sarniqu (KAJ 170, 6, 11, 21; KAV 211, 28, 66).

¹¹ The family of Zamuteja mentioned above (KAJ 13, 1, 5 f.).

marked. In the reigns of Adad-nirâri and his successors, not only slaves,¹² as would be expected, but persons in every walk of life bear Hurrian names. There are some, the names of whose relatives demonstrate that they are of Hurrian origin,¹³ but others who are possibly Assyrians.¹⁴ Two men bearing Hurrian names are themselves *limu*-officers,¹⁵ and *Aḫlipi mâr Alguza*, who is undoubtedly of Hurrian extraction, serves as *haziānu* of Aššur (KAJ 103, 7 f.; 106, 6 f.). Needless to say, however, it remained fashionable for Hurrian fathers to find Assyrian names for their sons.¹⁶

Not only is the numerical advance significant, but there are qualitative differences also. In the fourteenth century, *Ibašši-ilu mâr Niruabi* and *Rimanni Marduk mâr Tuttaja* presumably had had time to become "Akkadianized" before they served as *limu*-officers. Very likely they were born in an area where Akkadian culture predominated, and received their names at birth. In the later period, men who themselves bore Hurrian names served in high offices, and the interchange between Hurrian and Assyrian names within families becomes more marked. Perhaps the Assyrian merchant Melisaḫ, son of Aššur-aḫ-iddina, received his name as the result of a marriage of his father to a Kassite woman.¹⁷ At any rate, his own father-in-law, a certain Batka, was doubtless a non-Assyrian, although the origin and significance of his name remain uncertain.¹⁸

¹² KAJ 245, 1-6, 8, 10. On the Hurrian origin of *Kilite* (line 6), cf. Clay, pages 31 (on the element *Kili*), 34 (on the ending *te*).

¹³ The families of Šilme (KAJ 158, 22) Alguza (KAJ 10, 7 f.; 106, 6 f.). No doubt, also, the participants of KAJ 124a, Irriuri of Ḫabḫa and Te(?)-ḫubšeni of Ḫusana, are native Hurrians.

¹⁴ *Šenuni mâr Ber-šadûni* (KAJ 102, 10), *Girazu mâr Sîn-eriš* (KAJ 137, 16), and *Irrigi mâr Adadteja* (KAJ 168, 5).

¹⁵ Sarniqu (KAJ 255, 14) and Agitešup (KAJ 137, 4). Note, also, the name of Ašti-uri, who is one of the subsidiaries of Bâbu-aḫ-iddina.

¹⁶ See *Burrari* (KAJ 159, rev. 16), *Nirbiḫa* (KAJ 75, 18); *Taḫiniḫa* (KAJ 89, 21); *Talibbi* (KAJ 275, 5).

¹⁷ This is the suggestion of Weidner (*Afo* XIII, page 122). See below, pages 127 ff. for a discussion of the Kassite influence in this period.

¹⁸ On what basis Ebeling suggests precisely a "Subarian" etymology (*Eigennamen*, page 31) is not clear.

The same trend becomes even more noticeable in the period of Ninurta-tukulti-Aššur. In the comparatively few documents coming from the twelfth century, a high incidence of Hurrian names is to be found. In part, of course, we are dealing with captive women (*W.* 100; cf. lines 5, 10, 31, 36, 37, 38), or other foreign women married to Assyrians.¹⁹ But once again, we know of a *limu*-officer, Taḥulu (*KAJ* 126, end; 129, 19; perhaps belonging to this period), and of the father of a *limu*, Pauzi (*KAJ* 237, 15, etc.).²⁰ At least two of the important royal officials, Buza (*KAJ* 281, 7; etc.) and Mutta (*KAJ* 187, 10; etc.) have Hurrian names, as do other minor workmen who were employed by the court.²¹ The *abarakku* of the household of a Bâbu-aḥ-iddina has a Hurrian name.²² And such personages as Kuda (*W.* 107, 3; *Assur* 12758, 4) and Qabianu²³ (*KAJ* 264, 8; *W.* 102, 4) are among the many who offer *namurâte* to the king.

The impetus which is shown in the worship of Adad, who is the Assyrian equivalent of the Hurrian god, Tešup,²⁴ is, therefore, a reflection of the same cosmopolitan trend, and is closely connected with the growing influence of Hurrian culture. The basic conceptions of the pantheon appear slowly to have been adapted to the new importance which Adad receives. Starting with the thirteenth century, he began to be regarded more and more, together with Aššur, as the distinctive god of the nation or empire. In the fourteenth century, only Aššur is mentioned in names which reflect a particular relationship with his people.²⁵

¹⁹ Thus, Kizaja (*KAJ* 192, 27; 209, 6; *W.* 80, 9; 103, 4); and, no doubt, Salâ (*W.* 63, 5).

²⁰ Perhaps the name is connected with the city-name, Pa'uzi, known, from the Annals of Adad-nirâri II, to have been situated in the territory of Hanigalbat (*KAH* II, 84, 39 f.). Since the conquest of this territory was undertaken in the reign of Shalmaneser I (*KAH* I, 13, 18), such cultural influence may be readily comprehended.

²¹ Butajaza (*KAJ* 185, 9); Urḥaja (*KAJ* 189, 11); Note, also, *f*Ḥasi-AN.PA-ri-gi (*KAJ* 192, 12).

²² Bulali (*W.* 90, 7 f. etc.).

²³ On the element *Qa-ba*, cf. Clay, page 33. For *-iânu*, cf. *ibid.*, page 31.

²⁴ See Meyer, volume I, Part II, 481, 490 on the identity of Hadad and Tešub. Cf., also, Tallqvist, *Götterep.*, page 471, *s. v.* Te-eš-su-ub.

²⁵ *Aššur-bêl-nišešu* (*KAJ* 8, 38; 162, 2, 8; 172, 3); *Aššur-mupaḥḫir-nišešu* (*KAJ* 143, 13).

In the thirteenth century, however, a change is apparent. Despite the increased extent of the sources, Aššur appears in only one such name.²⁶ Adad, on the other hand, is known in the names of this period as the "shepherd," "mountain," and "ruler" of the people;²⁷ in the last case, there may be as many as three distinct individuals whose names honor the god Adad in this way.²⁸

II

The vicissitudes of the cults of Šin and Šamaš in the Middle-Assyrian period point to a similar, if more complex, development. In the Old Assyrian period, the popularity of the moon god seems to have followed that of only Aššur and his consort, Ištar.²⁹ But for some reason, the cult of Šin suffered a decline in the early Middle-Assyrian period. On the evidence of the proper names and likewise of historical inscriptions,³⁰ the popularity of Šamaš-worship is shown to have surpassed considerably that of Šin. Perhaps Šamaš, the potential warrior, appealed more to the Assyrians of these early centuries, than his peaceful colleague, Šin.³¹

²⁶ *Aššur-šad-nišēšu* (CT XXXIII, 14b, 8).

²⁷ *Adad-re'u-nišē* (KAJ 120, 30); *Adad-šad-nišēšu* (KAJ 145, 10); *Adad-šar-nišē* (KAJ 83, 7; 217, 10; 308, 3).

²⁸ It should be noted that in Neo-Assyrian times, the trend is completely reversed. Cf. the indexes to Waterman, *Royal Correspondence*, Part IV, pages 157 f.

²⁹ Stephens, *op. cit.*

³⁰ On Arik-dên-ilu's renewal of the temple of Šamaš, his tutelary deity, see KAH II, 29. Šamaš, but not Šin, is always listed among the deities aiding Adad-nirâri (KAII I, 3, 12; II, 35, 9, etc.) and Tukulti-Ninurta (KAH II, 58, 49) in their victories (In KAH II, 60, 15, where Tukulti-Ninurta is called the beloved of Šin, it is only as part of a catalogue of such designations, in which numerous other deities are mentioned).

³¹ On the fierce nature of Šamaš, see, in addition to these historical inscriptions, Ebeling *Afo* XIV, pages 299 ff., where he publishes a Middle-Assyrian fragment of the Etana myth, in which Šamaš is invoked to fulfill a potential curse. Note also, that Aššur-nâdin-apli raises his hands to Šamaš and Aššur when the Tigris overflows a large area of Aššur, regarding these as the deities to be propitiated (Stephens, *YBT* IX, 71, lines 15 ff.; cf. Weidner,

However, with the developing cosmopolitanism of the later Middle-Assyrian period, the trend is halted and reversed. Perhaps the fall of Harrân to the Assyrians may have played a minor role in the development. The earliest mention of the conquest of Harrân comes from the reign of Adad-nirâri,³² but the more definitive annexation probably took place in the reign of his successor, Shalmaneser I.³³ To be sure the city did not remain in Assyrian hands after the death of Tukulti-Ninurta.³⁴ But the memory of the conquest must have remained with the Assyrians, to reveal itself in the onomasticon of the succeeding generations. As is to be expected, the effects of such developments are not seen immediately, if only because a generation must elapse before a child who is named in honor of a historical event becomes known in business or administrative documents. Moreover, in the Middle-Assyrian period, we have little evidence concerning the years immediately following the reign of Tukulti-Ninurta, and must wait until the period of Ninurta-tukulti-Aššur before we have full documentation of any such tendencies. But by his reign, the development is clearly discernible. The percentage of theophorous names bearing the element *Sîn* is, in this

"Eine Bauinschrift des Königs Assurnadinapli," *Afo* VI, page 13). Cf., also, Tallqvist, *Götterep.*, pages 453 ff.

On the mild character of the god *Sîn*, see Tallqvist, *op. cit.*, pages 442 ff.

³² *KAH* I, 5, 13.

³³ *KAH* I, 13, col. III, 4. Mentioning a specific campaign rather than listing the city among a group of conquered territories, the inscription of Shalmaneser gives the impression of at least a more systematic attempt to bring Harran under Assyrian suzerainty. To be sure, as early as the reign of Tukulti-Ninurta, Assyria had claimed the conquest of Sippar (*KAH* II, 61, 14), and a corresponding influence of Šamaš upon the Assyrian onomasticon might have been expected. But one may doubt how successfully Tukulti-Ninurta was able to impose Assyrian rule upon the city of the sun god; and in any case, the brevity of the Assyrian domination, which must have ended before the death of Tukulti-Ninurta (see below, note 34), as well as the geographical situation of the city, would tend to make its religious influence more remote than the influence of Harran. It is reasonable, therefore, to explain the increase in the *Sîn*-cult on the basis of the conquest of Harran as well as upon the new cosmopolitan religious orientation.

³⁴ Weidner, *Studien zur Chron.*, page 75; Winckler, pages 334 ff. Cf., also, Weidner, *Afo* X, pages 19 ff., on the extent of Assyrian power at the time of Ninurta-tukulti-Aššur.

period, almost twice the figure for the fourteenth century,³⁵ and the influence of Šamaš is correspondingly low.

The increasing importance of Marduk in the same period should likewise be attributed to this growing cosmopolitanism. In Cappadocian times, the worship of Marduk by Assyrians is unknown.³⁶ His influence appears first in Middle-Assyrian times, and grows somewhat more marked in the reign of Ninurta-tukulti-Aššur.

Despite the assertion of Weidner, however, no immediate evidence of such an impetus appears in the reign of Tukulti-Ninurta. Babylonian influence in Assyria was already appreciable before his reign; and the evidence suggests that the conquest of Babylon was, perhaps, less decisive, in its cultural implications, than the conquest of Harrân.

The close relationship between Assyria and Babylon in the days of Aššur-uballiṭ is known from the Synchronous History.³⁷ Karaḫardaš, ruler of Babylon, was the offspring of a diplomatic alliance between the daughter of Aššur-uballiṭ and a Babylonian king. It is not surprising, therefore, that in the reign of Aššur-uballiṭ, two *lîmu*-officers should have been named with "Marduk" as divine element,³⁸ or that another *lîmu* should have been the son of a Šuzub-Marduk.³⁹ Even the divine element *Bêlat-Akkadi* occurs not in the reign of Tukulti-Ninurta, as Weidner had suspected,⁴⁰ but once again in the reign of Aššur-uballiṭ.⁴¹ Quite

³⁵ Note also the frequent offerings made to Sin in this period (for the references, see Ebeling, *Eigennamen*, page 103).

³⁶ Stephens, *op. cit.*, cf. page 98. The name Marduk is also entirely lacking in the few documents which have been dated in the fifteenth century.

³⁷ *Synchr. Hist.* I, 8-17.

³⁸ *KAJ* 24, 28 (Rîmanni-Marduk) and *KAJ* 175, 46 (Marduk-nâdin-aḫi).

³⁹ Adad-mušêzib; see *KAJ* 13, 35, etc. It may also be noted that an additional Mušêzib-Marduk, not accounted in the tables at the beginning of this chapter, occurs in an undated tablet, *KAJ* 251. However, the eponymy of this tablet, Aššur-eriš (line 12), makes it likely that the document comes either from the reign of Aššur-uballiṭ (cf. *KAJ* 157, 15; *HUCA* XXIV, p. 208) or from that of Adad-nirârî (cf. *KAV* 96, 19; *ibid.*, p. 228). Thus we have one more such name which appears to come from a time preceding the reign of Tukulti-Ninurta.

⁴⁰ *Afo* XIII, page 121.

⁴¹ Thus the name *Šilli³-be-el-ta-ka-di*, *KAJ* 165, 25. On the dating of this tablet, see *HUCA* XXIV, pp. 206 f.

in consonance with this situation is the fact that in the same reign, a royal scribe,⁴² clearly of Babylonian origin,⁴³ should find it necessary, at some period of his residence in Aššur, to dedicate a shrine to his patron, Marduk. In fact, the cultural influence of Babylon upon Assyria in the reign of Aššur-uballiṭ is evident both from our juridical sources and from the historical documents already known.

The meager influence of the Kassites throughout the Middle-Assyrian period gives us additional reason to believe that the conquest of Babylon by Tukulti-Ninurta did not have the decisive cultural influence which Weidner suggested. Ebeling notes only four, or possibly five, Kassite names in the Middle-Assyrian documents. Of these, Melišugab (*KAJ* 134, 13, 22) belongs in the fourteenth century,⁴⁴ while Melisaḥ and Meliḥarbe (*KAJ* 62, 22) come from the succeeding century in the reign of Shalmaneser. Only Induriḫa (*W.* 100, 32), among all those for whose names Ebeling suggests the possibility of a Kassite etymology, comes from a period following Tukulti-Ninurta's conquest of Babylon. Beyond these names, it should be noted that the name *Kaššu* or *Kaššiu* is known from the thirteenth century (*KAJ* 98, 16, 21; 244, 16) and from the time of Ninurta-tukulti-Aššur (*W.* 72, 4, 13). But this is the extent of Kassite influence, as it can so far be traced, on the Middle-Assyrian onomasticon.

Our tablets therefore give little evidence of any cultural influence exerted by the Kassite captives, even though their presence in Aššur is definitely established after the campaigns of Tukulti-Ninurta.⁴⁵ Nor has Weidner proved his hypothesis that the captive Kassite king served as an Assyrian *lîmu* in the same reign. It is by no means certain that *VAT* 8722,⁴⁶ which has as *lîmu* *Kaš-ti-li-a-šu* (line 30) must come from the reign of Tukulti-

⁴² See the document published in *AKA*, pages 388 f.

⁴³ On the basis of his name, (line 1) *Marduk-nâdin-aḫê* (line 2) *mâr Marduk-uballiṭ mâr Uššur-ana-Marduk*.

⁴⁴ Note also that the Kara[ḫardaš] of *KAV* 97, 1, is probably the grandson of Aššur-uballiṭ, known from the Synchronistic History (cf. note 47, below).

⁴⁵ See Weidner, *AfO* XIII, pages 122 f.

⁴⁶ *Ibid.*, Plate VII.

Ninurta. It has already been shown that the designation of Kâr-Tukulti-Ninurta (*ibid.*, line 6) may have been in use as late as the reign of Ninurta-tukulti-Aššur (see above, p. 115 note 26). The Kassite name of the *lîmu* of this tablet may therefore be nothing more than one of the few examples of minor Kassite influence, which can be traced from the fourteenth century, and which was scarcely affected by the campaigns of Tukulti-Ninurta.

If we attribute the Babylonian cultural influence upon Assyria to the factors which had been operating since the time of Aššur-uballiṭ, the meagerness of Kassite influence is not difficult to explain. It is known that in the reign of Aššur-uballiṭ, the Assyrians found themselves particularly hostile to the Kassite elements of Babylon.⁴⁷ Moreover, the northward migration of Babylonians during the period of Kassite domination, and the settlement of large numbers of them in Assyrian territory,⁴⁸ offer a clear explanation of the cultural development within Assyria. On the other hand, if the campaigns of Tukulti-Ninurta were principally responsible for any religious rapprochement between the two peoples, we should at least expect that the Kassite influence might be, in some degree, comparable to that of the Babylonians, even allowing for the fact that their culture might initially be stranger, and less esteemed by a Semitic

⁴⁷ *Synchr. Hist.*, *loc. cit.* Cf. *AKA*, pages xxiv, f. Even though Karahardaš and Kurigalzu received Kassite names, they were looked upon as grandsons of Aššur-uballiṭ, and the opposition to them came from the Kassites, who resented any possibility of Assyrian domination of Babylon. Since such hostility existed, it is not surprising that, despite Babylonian influence in Assyria, any corresponding Kassite influence is hardly discernible.

⁴⁸ Cf. *AKA*, Introduction, pages xxi ff. Part of the earlier Hurrian influence in the Middle-Assyrian period may also be connected with this northward migration of Babylonians. (On the considerable Hurrian influence in Babylonia during the Kassite period, cf. Clay, pages 28 ff. As an indication of such a connection, note the name of the *lîmu* of *KAJ* 24, 28 f., *Rimanni-Marduk mâr Tuttaja*. A different etymology of the name Tuttaja, however, may be suggested by the bye-name of Marduk, *Tu-tu*; see Tallqvist, *Götterep.*, page 472.)

Nevertheless, the vastly increased Hurrian influence of the later centuries is, as has been suggested, part of a broader development within the Assyrian empire.

people.⁴⁹ Since, as a matter of fact, the cultural contacts between Assyria and Babylon can be shown to have existed before the time of Tukulti-Ninurta, it is clear that the migration of the Babylonians into Assyria in the Kassite period gives us the best explanation of these phenomena. The conquest of Babylon, like the conquest of Harrân, undoubtedly played its part. But it should be remembered that Babylon remained under Assyrian domination for a much shorter period of time than Harrân, and for this reason, also, Tukulti-Ninurta's victory can scarcely have had the cultural importance which Weidner tended to attribute to it.

A further suggestion of Weidner's⁵⁰ must be briefly mentioned. In the general period of Tukulti-Ninurta's reign, the divine element, Marduk, is found to recur within the same family, and such repetition is also taken by Weidner as a further sign of the pervasive influence of Marduk-worship. However, we need not suppose any greater enthusiasm for Marduk when a child is named Kidin-Marduk in consonance with the name of his grandfather, Uballiṣu-Marduk (*KAJ* 110, 22 f.)⁵¹ than when the same name is given without such motivation (e. g., *KAJ* 165, 7). As a matter of fact, it might mean precisely the contrary of what Weidner is trying to show: if we had similar information for the earlier period, even the slightly increased frequency of the use of the element *Marduk* in the thirteenth century might prove illusory; or, alternately, the families in which the element *Marduk* recurs might be natives of Babylon living in Assyria, and precisely these should be excluded in any attempt to examine the Babylonian cultural influence upon the native Assyrians.

It appears, therefore, that the suggestion of Weidner cannot be maintained on the basis of a strict chronological analysis of

⁴⁹ For the extent to which Kassite influence is reflected in the Babylonian onomasticon of this time, see Clay, pages 36 ff.

⁵⁰ *Loc. cit.*, pages 121 ff.

⁵¹ Regarding the other instances of such recurrences of the name Marduk quoted by Weidner (*KAJ* 72, 6-8; 93, 20 f.), the one is found in a document which is to be assigned to the reign of Shalmaneser and not of Tukulti-Ninurta; and the other in a document which may, with equal likelihood, be dated in either of the two reigns.

the Middle-Assyrian contracts. The growing influence of Marduk-worship in thirteenth-century Assyria is not solely the result of Tukulti-Ninurta's conquest of Babylon, but of a gradual process of religious development. And as in the case of the worship of Šin, the full results of all the processes become apparent in the time of Ninurta-tukulti-Aššur. Broadly speaking, Marduk may be considered, beginning with the fourteenth century, as a minor, but still significant element of the Assyrian pantheon. The constant impetus which his worship receives is one aspect of a growing cosmopolitanism, and of the absorption within the Assyrian pantheon, of the gods of the immediate environment.

III

The very apparent decline in the use of *DINGIR* as a theophorous element between the fourteenth and twelfth centuries seems to reflect the same religious tendencies. The process is not unique in Assyria. Stamm notes the same development in Babylonian names starting with the Kassite period.⁵² But perhaps the best explanation of the phenomenon can be found in the religious development which we have already noted in Assyria.

Certainly the widespread use of *DINGIR* in fourteenth-century names does not reflect one specific cult or religious belief. A great number of the names in which it occurs call upon god in complaint or petition.⁵³ It is psychologically understandable, and perhaps less presumptuous towards the particular deity involved, that in such cases one should substitute for his name the general expression, "O god," or "my god." Beyond this, many, and perhaps most, of these names are undoubtedly to be read in the form *ili* ("my god") rather than *ilu* ("O god").⁵⁴ A number of indications point to this conclusion. If *DINGIR* were always to be read *ilu*, then such names as *DINGIR-nûr-*

⁵² *Op. cit.*, page 72.

⁵³ E. g., *Dugul-ili*, *Ili-našpîra*, *Admati-ili*, *Atanaḫ-ili*, *Maši-ili*, *Uqa-dên-ili*. Cf. Stamm, *op. cit.*, page 74.

⁵⁴ On the suggested readings for other periods, cf. Stamm, pages 70 ff., and the literature there referred to.

ilâni (*KAJ* 47, 34)⁵⁵ would be incomprehensible. The following orthographic evidence should also be noted:

1) Other personal suffixes are added to *ilu* during this period (cf. *Šilli-iluka*, *Šumma-ilunu*, *Ilušu-bani*, *Ilušu-nammir*, and others).

2) In the genitive, where the personal suffix of the first person can be clearly seen, the form *ilija* is attested (*Aba-ilija*, *Nûr-ilija*, *Zika-šar-ilija*. Note also the *limu* of the time of Adad-nirâri I, *Itti-ilija-šamšu*, Andrae, *Fest.*, page 159).

3) In the genitive without personal suffix, where the form *ili* is required, it is always written *DINGIR* (*Ammar-ša-ili*, *Innamar-dên-ili*, *Itti-ili-balâtu*).

We should expect on the basis of 1) and 2) that the expression *ili* ("my god," *nominative*) would likewise occur in these texts; and on the basis of 3), that it may be written simply as *DINGIR*.⁵⁶ On the other hand, the examples given under 3) make it clear that the term *ilu* without personal ending occurs in these texts in the sense of "a god" (cf. *Ibašši-ilu*) or "the god."

Perhaps the element *EN*, the use of which underwent a comparable decline in the later Middle-Assyrian period, may likewise stand for a common noun with the suffix of the first person singular. The evidence here is not so compelling as in the case of *DINGIR*. Nevertheless, a few indications may be found. The spelling *be-li* ("my lord") is known to occur elsewhere in Akkadian sources.⁵⁷ Moreover, in the Middle-Assyrian period, where the noun "*bêl*" is clearly in the genitive case, it is marked with the suffix of the first person singular.⁵⁸ Thus, since the spelling "*be-li*" never occurs in these texts, it may be ventured

⁵⁵ Concerning Ebeling's listing of a similar name, *Ilu-kidin-ilâni*, see the Appendix.

⁵⁶ On the reading of *AN=ili=il₆* for the Old Assyrian period, see Lewy, *KTS*, page 68; *OLZ*, 1929, column 173.

⁵⁷ Stamm, *op. cit.* For references, see the Index of personal names. Note also the feminine forms in such names as *Be-el-ti-ba-ni-ti* (*ibid.*, page 312), etc.

⁵⁸ The only case in these sources appears to be *Ṭâb-šar-bêli-ja* (*KAV* 111, 4).

that *EN* itself may stand for the expression *bēli* ("my lord"). Once again, therefore, we may be dealing with a theophorous element which is used as a substitution not for one specific deity but for various gods, depending on the family and circumstances in which the name is used.

The problem why this process of substitution should have become so much less prevalent with the advance of the centuries is to be approached on the basis of these considerations. If the expressions "my god" or "my lord" had reference to specific family cults rather than to those of the major deities, we should clearly be witnessing a trend which parallels the other developments towards a religious cosmopolitanism. With the expanding cultural empire of Assyria, and the growing popularity of neighboring religious cults, a corresponding decline in the more particularistic cults of private groups and families is only to be expected.

A further example of the decline in the worship of private family deities in the late Middle-Assyrian period may be discerned in the history of the cult of Kubi. The precise nature of this cult has not been established. But Thureau-Dangin has shown that the common noun *kūbu* is to be translated "foetus";⁵⁹ and on the basis of this translation, Stamm takes the theophorous element to have reference to a previous premature stillbirth.⁶⁰

Names mentioning the divine element Kubi are not limited to Assyria. Several such names are known among the Babylonians of Nuzi⁶¹ and of the Kassite period.⁶² In the Old-Assyrian period, also, they are by no means uncommon.⁶³ However, the tremendous importance which the cult must have occupied in the fifteenth and fourteenth centuries, when it accounted for some ten per cent of all theophorous names, contrasts sharply with its

⁵⁹ "Notes Assyriologiques," *RA* XIX, pages 81 f.

⁶⁰ *Op. cit.*, page 306.

⁶¹ Gelb, Purves and MacRae, page 23 (*Apil-Kube*); page 91 (*Kubi-criš*, *Kubi-šarri*); page 108 (*Nār-Kubi*); and several others.

⁶² Clay, *op. cit.*, page 84 (*Iddin-Kubi*); page 100 (*Kubi-ilu*); page 57 (*Ardi-^dAZAG-BI*); etc.

⁶³ Stephens, p. 43 (*I-din-Ku-be*, etc., to be read *I-dī-Ku-be*, etc., cf. Lewy, *OLZ* XXXIV, 344 f.); p. 50 (*Irād-Kube*); p. 52 (*Kubija*); p. 66 (*Šu-Kubim*); p. 68 (*Urad-Kubim*); etc.

reduced significance in the succeeding centuries. Once again, the most probable explanation is to be sought in the expansion of empire, and the choice of foreign gods to replace the old family deities, in whose honor a large part of the religious efforts of the Assyrians must hitherto have been directed.

Equally difficult to interpret is the precise significance of the various fluctuations undergone, apparently, by the cult of Ištar in the Old and Middle-Assyrian periods. At first sight, the cult of Ištar appears to have received a considerable set-back during the centuries between the Cappadocian and Middle-Assyrian periods. In the Cappadocian tablets, the influence of Ištar is second only to that of Aššur, her consort,⁶⁴ whereas throughout the Middle-Assyrian period, Ištar appears to be only a minor deity.

On the other hand, part of the difference is to be explained by the fact that Ištar, as a female god, was, in particular, the deity to be praised or invoked in the naming of a daughter. In early Middle-Assyrian documents, especially, we encounter comparatively few women. It would be rash, therefore, to draw far-reaching conclusions concerning the cult of Ištar on the basis of our evidence. On the other hand, a gradual increase in Ištar-worship may be indicated within the Middle-Assyrian period itself.⁶⁵ Perhaps here also, we are witnessing the effects of early Assyrian imperialism on the pantheon. It is possible, at any rate, in view of the limited extent of the Ištar cult in the fourteenth century, that the later texts are dealing not with the spouse of Aššur,⁶⁶ but with some of the various Ištar's who are worshipped

⁶⁴ *Ibid.*

⁶⁵ The more frequent appearance of women in the later documents will not explain the growing use of the element *Ištar* even in men's names in the thirteenth and twelfth centuries.

⁶⁶ The oldest forms of Ištar-worship in Aššur involved Ištar of Aššur and Ištar of Nineveh, together with some subsidiary goddesses, named Ištar, whose shrines were in the same temples as those of the great goddesses. The temple of Ištar of Aššur was built in the reign of Ilušuma, and restored several times before the often-mentioned restoration of Tukulti-Ninurta I (*KAH* II, 20, 5 ff.; 34, 6 ff.; 42, 5 ff.; 48, 9 ff.). Apparently, Ištar-dinittum was worshipped in a shrine within *Eanna*, the temple of the Assyrian Ištar

throughout the area of Assyrian influence. Thus, when specific sacrifices to Ištar are mentioned in the reign of Ninurta-tukulti-Aššur, they are explicitly offered to Ištar of Arba'-ili⁶⁷ or else to the *Ištar ša šamê*.⁶⁸

* * * *

These, then, are the developments which affected the Assyrian pantheon in the centuries which constitute the Middle-Assyrian period. Sometimes clearly, and sometimes only as a possible interpretation, they reveal a development towards assimilation and cosmopolitanism which we might expect in an incipient empire. Ancient religion is both tolerant and conservative. The recognition of a new deity does not imply the rejection of the old. Gods die slowly in the Ancient World, even after senility has shown its symptoms. In the course of three hundred years, there were no violent changes, only gradual trends.

It is only by close attention to gradual trends, however, that any form of human development is to be understood. That these few detailed observations may shed some light upon the history of Assyrian religion is the hope in which they are presented.

(cf. *KAH* II, 48, 25 and 49, 21; note also that the shrine of Ištar-dinittum was likewise founded by Ilušuma; see *KAH* II, 52, 5 ff.).

The temple of Ištar of Nineveh was founded somewhat later by Maništušu, the son of Šarru-kên (*Liverpool Annals*, XIX, page 105; for full references, see H. and J. Lewy, *HUCA* XVII, page 72, note 308), and was frequently restored, by Šamši-Adad I and later kings. A temple or shrine of Ištar-annunaitum is also mentioned, in an inscription of Tukulti-Ninurta, as stemming from early times (*KAH* II, 50, 5 ff.).

⁶⁷ *W.* 76, 6.

⁶⁸ *W.* 89, 8.

APPENDIX

CORRECTIONS TO EBELING'S *EIGENNAMEN*

Ebeling's collection of Middle-Assyrian proper names has been an invaluable aid in the preparation of this study. Nevertheless, a more detailed analysis of the documents has required a modification of many of his conclusions and suggestions. A number of the following corrections to his work have been discussed above. For the sake of convenience in the use of his helpful volume, however, they are summarized here. The more necessary corrections of misprints, etc. are also made. Where Ebeling has merely quoted the wrong line of a text, or failed to mention the re-appearance of a person already listed in the same tablet, no notation has been made. For the sake of convenience, however, an indication is given in those cases where names are omitted from their position in alphabetic order, even though these names were correctly read by Ebeling, and given elsewhere in his book.

No explanation of the corrections is given where merely a matter of textual transliteration is concerned, or where the problem has been discussed elsewhere in this study. In other cases, corrections are justified in the footnotes.

For the purposes of this classification, differences in spelling of the same name have been ignored.

It should also be noted that, particularly in the case of frequently occurring names, Ebeling has listed, in the final rubric under the name in question, all isolated references which cannot be identified on the basis of a patronymic or through some other means. It will be seen that it has been necessary, on occasion, to suggest changes also in these rubrics of miscellaneous readings.

Page 4

S. v. Abattu (1)

After 316, 21, *add* (?).

Add Abattu (3)

S. d. Adad-šumu-līšir 89, 23; 316, 21(?).

S. v. Abazia

Read A-zu-zi-ja.¹

¹ Ebeling reads *Abazia* in 18, 6 (*Eigennamen*, page 4) but he refers to this reading as *Amazia* in identifying the same man in 149, 9, where, however, he reads his name as *Azuni* (*ibid.*, page 30).

Page 5

S. v. Abi-ilu (2)

Delete E. D. [i-g]a-ia-a[-e?]²

S. v. Abi-ilu (4) and (17)

The references in both of these rubrics are to the same person.

S. v. Abi-ilu (12)

*Add ? after auch 27, 1, 5.*³

S. v. Abi-ilu (19)

Delete S. 210, 6 f.⁴S. v. Abuhia⁵ (3) and (4)*The references in both of these rubrics are to the same person.*⁶

Page 6

S. v. Abu-ṭābu⁷ (6)*Add* 139, 5, 18; *which is to be deleted from rubric 14 (see HUCA XXIV, p. 191).*

S. v. Abu-ṭābu (14)

Separate S. 119, 1, and *add* S. d. Ṣâbê-^dIštar.⁸

However, the reading *A-zu-z[i-ia]* for 149, 9 seems very plausible; and since the man referred to as Abazija in 18, 6 is undoubtedly the same person, we cannot be sure which of the texts gives the better reading. Despite this uncertainty, since the name *Azuzija* is known elsewhere in these texts, we have assumed that this is the correct reading in *KAJ* 18, also, and that a wedge was omitted from the sign for *zu* in this name.

² Ebeling's presumably reads 64, 24, as:

mâr A-šur-qarrad [mâr I-g]a-ia-a[-e?]

(cf. 26, 7). The correct reading, however, must be:

mâr A-šur-qarrâd [urah q]ar-ra!-a-[tu].

There is no evidence to connect this Aššur-qarrâd with the son of Igaiâu.

³ The genealogy of 27, 5 seems to be

Tâb-[. . .]-^dŠamaš?

↓

[. . . .]-a-ḥi

↓

Abi-ilu

The traces of the grandfather's name are not those of Urad-Kube.

⁴ Although *KAJ* 173 = *KAV* 210 (*VAT* 8995), Ebeling gives the Abi-ilu who appears in the former as the son of Adad-nirâri (page 4, s. v. Abi-ilu), while he lists him in the latter without patronymic in a miscellaneous entry, (rubric 19).

⁵ Lewy tentatively suggests the reading Apuhija (=In exchange with me).

⁶ *KAJ* 50 is one of the many instances where a relative of the debtor, here the brother, acts as witness to a transaction.

⁷ Read, better, *Abu-ṭâb*.

⁸ Cf. *Eigennamen*, page 78, where, however, Ṣâbê-Ištar is given as the father of Aḥu(sic!)-ṭâbu.

S. v. Adad-aḥ-iddina (2) *Read Adad-[], and delete 81, 6.⁹*

Page 7

S. v. Adad-bêl-gabbe (1) *Omit ša eli mât rap-ḥa-ia-e and 212, 2. Add this title and reference as a separate listing under (3).*

S. v. Adad-bêl-ilâni *Separate the two references. S. 19 cannot be dated, and there is no basis for identification.*

S. v. Adad-bêl-uṣur (1) *The references in both of these*
and (2) *rubrics are to the same person.¹⁰*

Add ^aAdad-bi-ir-ti *57, 5.*

S. v. Adad-da(mm)eq (1) *There is no reason for Ebeling's identification of 34, 19 and 34, 24. List the latter separately under (8).*

Page 9

S. v. Adad-mušêzib (1) *Delete auch [58, 35]?, which belongs under (3).*

⁹ Of course, the Adad-[...] of 56, 6, being the son of Iqîšeja, cannot also be the son of Daijânija (81, 6). The identification of these two men must be a careless afterthought of Ebeling. The reconstruction of the name of Adad-aḥ-iddina in *KAJ* 56, therefore, has no basis. Nor is there more cogency in Ebeling's alternate reading of Adad-šamši (page 10). Even if the name Daijânija (cf. *KAJ* 56, 1) could be identified with Daijânu (*KAJ* 11, 23; etc.), chronological considerations would completely rule out the identification of *Daijânija mâr Adad*-[...] (time of Adad-nirâri or Shalmaneser) with the *Daijânu mâr Adad-šamši* who lived in the time of Aššur-uballit.

¹⁰ Despite the different spelling, the same man is intended. He is an official who, from time to time, receives a single sheep from the king for the purpose of a sacrifice. Thus in *KAJ* 187, of the twenty sheep given as a *namurtu* to the king, nineteen are entrusted to Muttu (line 10) or to Šamaš-nûr. (line 12) for tending, and the remaining animal is given to Adad-bêl-uṣur. Again, in *KAJ* 201, we learn of a single sheep received in the house of Adad-bêl-uṣur for a sacrifice; and it is reported (incidentally) that two days later, another sheep was given to the lions. *KAJ* 221 gives a similar account of a sheep given to the house of Adad-bêl-uṣur and to the lions; while in *W.* 89, Adad-bêl-uṣur brings forth one sheep from his house at the royal command. That these all refer to the same person, despite the variant spelling of *KAJ* 221, cannot be doubted. Probably *W.* 103 refers to him also, although, since the text is incomplete, full certainty cannot be attained. Note also *KAJ* 205, where Adad-bêl-uṣur appears among a list of those to whom sheep are distributed from among the *namurâte* brought to the king.

- S. v. Adad-mušēzib (3)
and (7) *The references in both of these rubrics are to the same person. Cf. Ebeling, page 89, s. v. Šuzub-Marduk (2).*
- S. v. Adad-mušēzib (4)
and (6) *The references in both of these rubrics are to the same person. Cf. note 6.*

Page 10

- S. v. Adad-rīšua (1) *Delete all references after 100, 32 (see the previous entry, Adad-rīm-ilāni).*
- S. v. Adad-šamši (1)
and (5) *The references in both of these rubrics are probably to the same person (HUCA XXIV, pp. 245 f.).*
- S. v. Adad-šamši (4) *Delete 56, 6 (see s. v. Adad-aḥ-iddina, rubric 2).*

Page 11

- S. v. Adad-šimani (1)
and (2) *The references in both of these rubrics are to the same person.¹¹*
- S. v. Adad-šum-iddina (2) *Delete W. 88, 2, and add as a separate entry, s. v. (4).¹²*
- S. v. Adad-šum-iddina (3) *Delete 118, 9 (amēl âlik urki), and add as a separate entry, s. v. (5). Retain 213, 7 (=2).¹³*
- S. v. Adad-šum-iddina *Add (6) Father of Upru, 263, 5.¹⁴*

¹¹ Once again, despite the different spelling. In W. 88 and W. 101 Adad-šimani is mentioned as an *alahḫinu*. In KAJ 283, his name is included among a list of men known as *amēla-laḫ-ḫi-ni ū amēlbappirî* (lines 10 f.).

¹² In W. 88, 2, Adad-šum-iddina offers a *namurtu* of five sheep, which is disposed of to various officials. He is said to have come from Suḫi. In the remaining tablets, he is one of the *amēlbappirû*, who receive grants, generally of a single sheep, from the king.

¹³ Note the dating of these tablets. There is no reason for identifying an *amēlalik urki* in the service of Melisaḫ with one of the royal *amēlbappirû* of Ninurta-tukulti-Aššur.

¹⁴ Apparently more in harmony with the traces than Ebeling's reading: [A-šu]r-šum-iddina.

- S. v.* Adad-šumu-rabbi (2) Omit "S. d. mâr (d)adad"¹⁵ and
" = 1 " .¹⁶
- S. v.* Adad-šumu-liši (1) Read V. d. Abattu u. Adad-šamši,
56, 30; 89, 23.
- S. v.* Adad-šumu-rabbi (2) The references in both of these
and (3) rubrics are to the same person.¹⁷
- Page 12
- S. v.* Adadteia (2) Add 275, 3 (!).¹⁸
- S. v.* Adad-tûra Read (1) 214, 10; 237, 2; W. 78,
8 (?). (2) S. 99, 7; S. 109, 7; S.
200a, 8.¹⁹
- S. v.* Adad-zêr-iddina (1) The references in both of these
and (2) rubrics are to the same person.
- Page 13
- S. v.* Admati-ilu (3) Remove 16, 26, and add to (2).²⁰
The remaining names of this rubric
are, of course, a miscellaneous
grouping.
- S. v.* Admati-ilu Add (4) 242, 4 (?). A possible
reading.
- Page 14
- S. v.* Aḥu-ṭābu (2)²¹ Delete 21, 31.²²

¹⁵ What is Ebeling's source for this patronymic?

¹⁶ Once again, since the date of *KAV* 19 is not to be determined, there is no means of identifying the Adad-šuma-rabbi of this tablet.

¹⁷ The two men are to be identified, despite the different spelling of their names. *KAJ* 189 describes the *namurtu* of Adad-šuma-rabbi to the king. *KAJ* 212 speaks of the *namurtu* of ^{nār}*Zu-ḥi-na-ja* after the death of Adad-šuma-rabbi. Since *KAJ* 212 was written several months later than *KAJ* 189, it seems likely that the same Adad-šuma-rabbi is referred to.

¹⁸ The following reconstruction of *KAJ* 275, 2 f., seems plausible:

(line 2) ^m*Ki-[din-Sîn]* (line 3) *mâr* ^d*Adad-te-ja*.

¹⁹ Note the dating of these tablets. The agent of Bâbu-aḥ-iddina now listed under (2) is known as an ^{amel}*ka-ṣir* (fuller); the contemporary of Ninurta-tukulti-Aššur is the *alahḫinu*.

²⁰ The reading of line 21 is not clear, but this is the best reconstruction on the basis of the seal (line 26).

²¹ Or, better, Aḥu-ṭāb.

²² Even if the name of A-ḥi-ṭa-[bu] were to be restored in *KAJ* 21, 31, he would still not be the son of Šamaš-bêl-kitti, as Ebeling holds, but his father.

S. v. Aḥu-tâbu (6) and (8) *The references in both of these rubrics are to the same person.*

S. v. Aḥu-ṭâbu (7) *Read S. 98, 16, 44. The suggestion to emend line 16 on the basis of line 44 seems valid.*

Page 15

*S. v. Âmur-dannûsa*²³ (3) and (4) *The references in both of these rubrics are possibly to the same person.*

S. v. Amurru-kitti-idi (2) *Delete = I.*²⁴

Page 16

S. v. Ana-pî-Ašur-lišlim *Read 190, 25; = ina-pî-Ašur-lišlim (274, 18).*

Page 17

S. v. Apapa (3), (4), (6), (7), (8), (9), (10) *The references in all of these rubrics are to the same person.*²⁵

Since, then, we have no reason to restore *KAJ* 21 on the basis of *KAJ* 20, 21, we propose to accept Ebeling's other suggestion (page 13), and to read *A-ḫi-da-iq* rather than to accept this unusual spelling of the name Aḥu-ṭâb.

²³ Or, better, *Amur-dannûssa* (<-*dannûṭ-sa*).

²⁴ *KAJ* 169 cannot be dated, and there is no basis for this identification of Ebeling's, or for the emendation of the only trace of the father's name from

 to .

²⁵ a) The sons and grandsons of Apapa are all involved (except for rubric 8), either as debtors or as witnesses, in the transactions of Iddin-Kube and Kidin-Adad.

b) Only one Apapa appears personally in this general period of the reigns of Eriba-Adad and Aššur-uballiṭ (52, 1, 7); in the remaining cases, we deal with sons or grandsons of Apapa. The name is thus not so common as it appears at first sight. Beyond the man here identified, we know of an Apapa in the reign of Aššur-bêl-nišešu (*KAJ* 172, 18, 19) and one, or possibly two, in the period of Adad-nirâri and Šalmaneser (98, 18; 56, 22).

c) In rubric 8, the land of the grandson of Apapa is sold not to Iddin-Kube, but to *Nâr-Kube mâr Bêlšunu*. However, the land is in the same district (Puraṭati) as the land of a different son, which is transferred to Kidin-Adad (*KAJ* 160, 5 ff.).

It seems probable, therefore, that this identification is to be made, and that *Apapa mâr Šamaš-iqîša* (*KAJ* 52, 1, 7) is the father or grandfather referred to in each of these rubrics.

S. v. Apil-Adad Read, instead, Aššur-ma-apla-eriš.
S. v. Aplia Delete 283, 5, for chronological reasons. Cf. Adad-aplija.

Page 18

*S. v. Arad-Ištar (2)*²⁶ Omit 225, 13; and add as a separate entry, for chronological reasons.²⁷
Delete abarakku following W. 104, 8.
S. v. Arad-Ištar Add (3) 101, 25 (?).

Page 19

S. v. Arad-Kube (11) Perhaps the proper name of 269, 12, is to be read Ku-be-nûr-ja. The surrounding context gives little clue for determining the word-division.
S. v. Arad-Kube (12) Read 92, 2, 6 as a separate rubric, and add: S. d. Da-ku-ra-si-i(?). The remaining entries constitute a miscellaneous grouping.
S. v. Arad-Šerua (1) Read, instead, Mâr-Šerua (see Eigennamen, page 60).
S. v. Arad-Šerua (6) Add 112, 11 (?); 245, 14; S. 156, 11 (see Chapter III, note 57).
S. v. Arad-Šerua (13) Add = 6.
S. v. Arad-Šerua (14) Delete 112, 11; 245, 14 (see under (misc.)
Perhaps 101, 25, is to be read Urad-Ištar.
S. v. Arad-Šerua (15) Perhaps to be read Urad-Tešup (see Chapter II, notes 31, 32).
S. v. Arad-Šerua Add (16) V. d. I-di-ni-ja, 52, 6.

²⁶ The reading adopted in this study, *Urad-Ištar*, was suggested by Lewy. So, also, elsewhere for the sign *ERUM*.

²⁷ To what extent one should identify the remaining bearers of this name who come from the time of Ninurta-tukulti-Aššur is uncertain. In *KAJ* 203, 2, the *amêl urqi* cannot be the same as the *amêl abarakku* of the other tablets. The *abarakku* of Ištar-tûra (W. 96, 4) and the *abarakku* of *âl-Hu-da*-[. . .] may or may not be identical. The offerer of the *namurtu* of W. 104, 8 may or may not be an *abarakku*; etc.

Page 20

- S. v. Arad-Tašmêtum* (12) *Remove 35, 23, and add to (4) (HUCA XXIV, p. 214).*
- Add Arad-(or Urad-) Tešup* *V. d. Šumu-lib-ši, 41, 18; 154, 23.*
- S. v. Ardišešu* *Read Arad-Tešup.*
- S. v. Asuat-Idigla* (1) *The references in both of these rubrics are to the same person.²⁸*
- S. v. Ašur-[-]* *Read Aššur-dajjân (cf. Ebeling, page 26, s. v. Ašur-mutakkil).*

Page 21

- S. v. Ašur-apla-ereš* (1) *Read Aššur-ma-apla-eriš, and add the reference 244, 1, 5.*
- S. v. Ašur-bêl-[-]* *Read Aššur-bêl-kâla (not -apli).*

Page 22

- S. v. Ašur-bêl-apli* (2) *Delete " = 1."²⁹*
- S. v. Ašur-bêl-ilâni* (3) *The identification of this man with the individual mentioned in S. 19a, 9 is improbable.*

²⁸ Ebeling's reading of *KAJ* 7 is based on a faulty reconstruction of the text. Read:

(line 2) [*'A-su-at*]-^d*Idigla mârât* [*Nir-bi-ja*] (line 3) [^m*Ili-ma*]-*i-ri-ba urdu* ša ^m[^d*Amurru-na*]-*šir*

etc. Both documents deal with the same transaction. *Ili-ma-eriba*, the slave of *Amurru-nâšir*, has purchased *Asuat-Idigla* from *Aššur-rišuja*. In *KAJ* 7, *Asuat-Idigla* agrees to accept the duties of a wife of *Ili-ma-eriba* (lines 11 ff.) and of a serf of *Amurru-nâšir* (lines 20 ff.). It is further stated that *Amurru-nâšir* is in possession of the deed of transfer of *Asuat-Idigla*, by which her former owner acknowledges the receipt of her ransom (lines 30 ff.). This document is, with little doubt, *KAJ* 167, bearing the seal of this former owner, *Aššur-rišuja* (line 1). He states that in return for *Asuat-Idigla* (lines 2 f.), he has received a Šubrian woman as her ransom, and that he accepts the responsibility of freeing *Asuat-Idigla* from claims of any third party (lines 15 ff.).

²⁹ *KAJ* 257 cannot be dated, but there is no evidence for identification of the *Aššur-bêl-apli* of line 15 with the man of the same name in rubric 1. The man referred to in *KAV* 201 is definitely excluded from such identification by chronological considerations.

- S. v. Ašur-bêl-kâla* Add 64, 26.
S. v. Ašur-bêl-ušur (1) *The references in both of these rubrics are to the same person.*
and (2)
S. v. Ašur-bêl-ušur (2) *Remove 197, 4 and add under a separate heading.*³⁰
S. v. Asur-dajân (or *-dân*) (1) *Read S. d. Ikkaru, limmu, III, 20; S. 168, 24.*
S. v. Ašur-dammeq (2) *Delete auch limmu, 262, 21.*
S. v. Ašur-dammeq (4) *Add 262, 21.*

Page 23

- S. v. Ašur-i(d)din(a)* (7) *Add 229, 9! Delete 292, 17; S. 135, rev. 10, which are to be set under separate headings (Chapter III, note 34).*

Page 24

- S. v. Ašur-kîna-îdi* *The identification of the man mentioned in 6, 36 with the individual referred to in S. 212, 14 is likely; that he is also referred to in 143, 12 is possible on the basis of chronology, but positive evidence is lacking.*

Page 25

- S. v. Ašur-li'i* (4) *Delete.*³¹
S. v. Ašur-li'i (5) *and* (6) *The references in both of these rubrics are to the same person.*
S. v. Ašur-ma-apla-ereš *Add* (2) 144, 1, 5; 244, 1, 5 (see above, Chapter III, notes 45–47).

Page 26

- S. v. Ašur-mušešzib* (5) *Instead of 9, 8, 24; read 98, 28. Add perhaps = (4).*
S. v. Ašur-muštêpiš (1) *Delete 69, 22; which is to be read Aššur-pûti, with Ebeling, page 27.*

³⁰ In the documents other than *KAJ* 197, Aššur-bêl-ušur brings a *namurtu* to the king. In *KAJ* 197, 4, a man of the same name receives a single animal from the royal supply. Any identification of the two men is unlikely.

³¹ Ebeling himself reads [*Me*]-*li*-[*saḥ*] (the son of Aššur-aḥ-iddina). See *Eigennamen*, page 61.

- S. v.* Ašur-muttabli *Add* (2) *S. d.* Ki-di-Ku-be (tup-šar.) 4, 30.
- S. v.* Ašur-nâdin-šumišu *We should expect* Aššur-šum-iddina (*cf. line 14*).

Page 27

- S. v.* Ašur-qarrad (2) *Omit* 64, 24, *and set as a separate entry* (*see note 2*).
- S. v.* Ašur-rabi *Add* (3) *V. d.* Bêl-qarrâd, limmu, 22, 25. = I (?).

Page 29

- S. v.* Ašur-zukupani (1) *Delete* *V. d.* (d)ba-bu-aḥ-iddina-(na).³²
- S. v.* Ašur-zukupani (2) *Add* = (1).³³
- S. v.* Ašur-zukupani (3) *Delete* *S.* 135b, 9 (*see Chapter II, note 23*).
- S. v.* Asusia (1) *and* (3) *The references in both of these rubrics are to the same person.*³⁴
- S. v.* Asusia *Add* (7) 18, 6; 149, 9; *see note 1*.

Page 30

- S. v.* Azunia (1) *Delete, and read, instead,* = Azuzija (*see note 1*).
- S. v.* Bâbu-aḥ-iddina (1) *Delete* *W.* 101, 18 *for chronological reasons*.

³² Unless with Ebeling, we attribute two fathers to Bâbu-aḥ-iddina (*cf. s. v.* Ibašši-ilu). Ebeling's false identification is based on *KAJ* 125, 4 ff.; and by reason of it, he only tentatively identifies the Bâbu-aḥ-iddina of this tablet with the merchant known from numerous other sources (*Eigennamen*, page 30). However, *KAJ* 125, 4 ff. is to be read:

(line 4) ša ^{md}Ba-bu-aḥ-iddina^{na} (line 5) [ša qât!] ^{md}A-šur-zu-kup-pa-ni
(line 6) [i-na muḥḥi] ^{md}A-šur-mu-šab-ši.

³³ Note the appearance in this tablet of other subsidiaries of Bâbu-aḥ-iddina, namely Aššur-šallimani (lines 4, 10, 21) and Aššur-bêl-šallim (line 8).

³⁴ If the identification which we suggest is to be doubted, there is still no reason for Ebeling to identify the person mentioned in *KAJ* 100,6 with the father of Adad-rišuja (line 34) rather than with the father of Damqat-Tašmete (line 5). However, it is natural that a daughter should be identified as being from the *ḏdunni* of her father (lines 4-6) and also that a nephew of one of the principals should witness a transaction.

- S. v. Bêl-lîter* (2) *Add S. 98, 5. Delete " = 1."*³⁵
- Page 32
- S. v. Bêl-nâdin-aḥḥê* (2) *Add = (1) and (3).*³⁶
- S. v. Bêl-naṣir* (4) *Read V. d. Ili-eriš, = 6 (Chapter II, note 39).*
- S. v. Bêl-qarrad* (7) *Delete (= 8?). The father is different and the chronology not suitable.*
- Page 33
- S. v. [Bêl]-qarrad* *Add (18) V. d. Adad-bêl-apli 88, 5.*
- S. v. Bêlšunu* (1) and (2) *The references in both of these rubrics are to the same person (HUCA XXIV, pp. 216 ff.).*
- S. v. Bêlunu* *Add (2) V. d. Balṭu-kašid 71, 19 (cf. Eigennamen, page 30).*³⁷
- S. v. Ber- [* *The identification of 55, 3, and 55, rev. 9 is uncertain.*
- S. v. Ber-ilum* *Correct to GV. d. Šu-Adad, 156, 6.*
- Page 34
- S. v. Bêr-nâdin-aḥḥê* (1) *Add 64, 3.*
- S. v. Bêr-nâdin-aḥḥê* (2) *Add = (1) and (3).*³⁸

³⁵ It is not likely that the shepherd of Zêr-iqîša should be the agent (*amêl qîṣu*) of Bâbu-aḥ-iddina.

³⁶ Evidently *KAJ* 17, 1, 5, 17 all refer to the same Bêl-nâdin-aḥḥê. By means of the transaction recorded in *KAJ* 17, Bêl-nâdin-aḥḥê (lines 1, 5) borrows lead from Kidin-Adad; as a pledge, he leaves his son, Iâkku-limmir (line 11) with the creditor. Thus the witness, Iâkku-limmir mâr Bêl-nâdin-aḥḥê (line 17) is evidently the son of the debtor.

³⁷ Ebeling records the name *s. v. Balṭu-kašid* as Belini, and apparently listed the name as such, so that it fell among the group of rubrics accidentally omitted from page 31 of his work. However, the form seems to be the normal Assyrian genitive with vocal harmony of a nominative Bêlûnu. Presumably, these forms are derived either from a nominative Bêlânûm ("little lord"), or else from an original vocative, *Bêlâni* (cf. Lewy, *Orientalia*, XV, page 369, note 9). The form is then declined to give a nominative, *Bêlûnu*, etc. For a similar example of vocalic harmony affecting a long vowel cf. the name *Puḥânu* (Stamm, page 301), which appears in these texts as (nominative) *Puḥûnu* and (genitive) *Puḥîni* (see Ebeling, *Eigennamen*, page 69).

³⁸ *KAJ* 162 deals with the disposition of land contracts which had been sealed by King Aššur-bêl-nišešu. The Bêr-nâdin-aḥḥê of the remaining tablets

S. v. Ber-šum-iddina (2) *The references in both of these rubrics are to the same person.*³⁹

Add [Be-i]r-tu-ri-ušur

S. d. Kurbanu 116 RS. 6. *Cf.* *Eigennamen*, *s. v.* Tu-ri-PAP.

S. v. Ber-uballiṭ (1) and (2) *The references in both of these rubrics are probably to the same person.*

Page 35

S. v. Bunia (4)

225, 19 = 267, 20. 215, 25 = 239, 7. *Other identifications doubtful. See also* 247, 6 (?).

Page 36

S. v. Dajānia (1)

Delete auch 56, 1,5; *and list as a separate entry (see above, note 9).*

S. v. Daitte (3)

Read ṯŠad-da-it-te (*cf.* W. 59, 4; *and also* *Eigennamen*, *page* 80).

Add Da-ku-ra-si-i (?)

V. d. Urad-Kubi 92, 3.

Page 37

S. v. Dugul-ila (1) and (2)

The references in both of these rubrics are to the same person (HUCA XXIV, p. 191).

S. v. Ea-iddina

Add 244, 7 (HUCA XXIV, p. 251).

S. v. Enlil-ašared (2)

Omit. (*Read* Bêl-qarrâd; *cf.* *Eigennamen*, *page* 32).

Page 38

S. v. Enlilia (1)

Delete 293, 2, *and list as a separate entry.*

Page 39

S. v. Eriḫa-Adad (2)

Delete 173, 12, *and add to* (1). *W. 91 is, of course, excluded from such identification.*

is known to be a brother of the king (174, rev. 10 f.); and it is quite probable that his son should witness such a document as this.

³⁹ Both tablets written in this eponymy year come from the period of Melisāḫ's activity.

- S. v. Erîba-Adad (3)* *Add = (1). Add likewise the references under Irîba-Adad, Eigenamen, page 50.*
- Page 40
- S. v. Erîb-ilu (2) and (3)* *The references in both of these rubrics are probably to the same person.*
- S. v. Erîb-ilu (11)* *The reason for Ebeling's comparison of 67, 6 and S. 212, 4 at precisely this point is not clear.*
- S. v. Erîb-Sin (1)* *Add 35, 28 (HUCA XXIV, pp. 212 f.).*
- S. v. Eribtaiau (2) and (4)* *The references in both of these rubrics are probably to the same person.*
- S. v. Erim-kîni* *The identification of 20, 25 with 142, 4 is uncertain.*
- Page 41
- S. v. Girimaia* *Instead of 1, 1, 9 read 91, 8.*
- Page 42
- S. v. Ħimsatea* *Add 302, 10 (?).*
- S. v. Iae* *Add 70, 15, 4 (HUCA XXIV, pp. 217 ff.).*
- S. v. Iâku-limmer (4)* *Add 36, 4.*
- Page 43
- S. v. Iasi* *Read Iae.*
- S. v. Ibašši-ilu (1)* *On 82, 11 and 142, 23, see Chapter II, note 12.*
- S. v. Ibašši-ilu (3) and (14)* *To be identified.⁴⁰ Add also the Middle-Assyrian Votive Bead found at Tanis.*

⁴⁰ In rubric (3), Ibašši-ilu is the son of Ber-nâdin-aḫḫê, who is brother of King Aššur-bêl-nišešu. In rubric (14), the grandson of a certain Ibašši-ilu appears as *îmu* (KAJ 10, 3). The documents in question (KAJ 10; KAV 212) come from the reigns of Aššur-uballiṭ and Adad-nirâri, which makes the lapse of time sufficient for the grandson of Ibašši-ilu to have become *îmu*. Moreover, in KAV 212, Aššur-uballiṭ grants land to Rišêja, the son of Ibašši-ilu and father of the *îmu* of KAJ 10.

- S. v. Ibašši-ilu* (6) *For the possibility of adding 142, 23, see Chapter II, note 12.*
- S. v. Ibašši-ilu* (7) and (15) *To be identified. Add, also, S. 211, a7, b5; and remove this reference from the miscellaneous listing, rubric (18).*
- S. v. Ibašši-ilu* (18) *Delete 174, 1 cf. rubric (5); S. 211, a7, b5 cf. rubric (7). Delete 139, 8, 13, 19, and add to rubric 5.*
- S. v. Ibašši-ilu* *Add (19) V. d. Šamaš-kitti-idi(?), 49, 27.*

Page 44

- S. v. Iddin-Kube* (1) and (3) *Delete E. d. mâr-ûmi-20-kam.⁴¹ Add 35, 5; 66, 10, 22 and delete from (5) (Chapter II, note 36).*
- S. v. Iddin-Kube* (2) and (4) *The references in both of these rubrics are to the same person, as is shown by the enclitic -ma following the second mention of the name.*
- S. v. Iddin-Kube* (5) *Perhaps the remaining tablets, S. 127 and S. 128 likewise refer to Iddin-Kube mâr Riš-Nabû.*
- S. v. Iddinni(a)* (2) *Delete 263, 10 for reasons of chronology (Chapter II, note 27).*

Page 45

- S. v. Igaiau* (2) and (3) *The references in both of these rubrics are to the same person.⁴²*
- S. v. Igaiau* (3) *Omit 64, 24 (see note 2).*
- S. v. Ikkaru* *Add (2) V. d. Aššur-da-a-an 111, 21.⁴³*

⁴¹ The only tablet of Iddin-Kube which mentions *Mâr-ûmi-20^{kam}* is KAJ 60. *Mâr-ûmi-20^{kam}* is here the grandfather of the debtor, Laqîpu, and not of the creditor, Iddin-Kube (cf. *Eigennamen*, page 60).

⁴² In both rubrics, the grandchildren of Igaiau borrow from Iddin-Kube.

⁴³ Perhaps the phrase in question is to be read [*kunuk*] *Ik-ka-a-ri* rather than [*mâr*] *Ik-ka-a-ri*, although, in this case, the identity of Ikkaru would be undetermined.

- S. v. Ildat-kitti (1) and (2)* *The references in both of these rubrics are to the same person.*
- S. v. Il-ittilu (1) and (2)* *The references in both of these rubrics are to the same person.*
- S. v. Ilu-abī* *Add (2) S. d. Ta-ri-ba-ti(?) 85, 25.*

Page 46

- S. v. Ilu-êreš (1)* *Add 134, 20 (Chapter II, note 39).*
- S. v. Ilu-kidin-ilâni* *Read, instead, Si(!)-qi-ilâni. This alternate suggestion of Ebeling (Eigennamen, page 77) appears to be the better reading, (cf. line 12).*
- Add [Ili-ma]?-abi* *80, 27.*

Page 47

- S. v. Iluma-irîba (1) and (2)* *The references in both of these rubrics are to the same person.*
- S. v. Ilu-malik (1) and (2)* *The references in both of these rubrics are to the same person.⁴⁴*
- S. v. Ilu-malik (3)* *Perhaps = the preceding.*
- S. v. Ilu-nashîra (1) and (2)* *The references in both of these rubrics are to the same person.⁴⁵*
- S. v. Ilu-qarrad* *For chronological reasons, the men mentioned in these two references are not to be identified.*
- S. v. Ilu-ša* *This reading seems extremely doubtful on the basis of Ebeling's copy of the text. Note also the extreme rarity of the theophorous element DINGIR in this period.*
- S. v. Ilu-šêzibani (1)* *The men mentioned in the two references in this rubric are not necessarily the same individual.*

⁴⁴ The debtor's son as witness.

⁴⁵ In *KAJ* 20, Ili-nashîra appears as the father of Pirhîja, who is indebted to Iddin-Kube. In *KAJ* 146, Ili-nashîra sells land to Iddin-Kube. Moreover, the land which is sold is in the same district (Puraṭati) as the land which Pirhîja gave as security for his debt. On the identity of Ili-nashîra and In-nashîra, see *HUCA* XXIV, pp. 212 f.

- S. v.* Ilu-šêzibani (2) *Read* Aššur-šêzibani (*cf.* Eigennamen, *page* 28).

Page 48

- S. v.* Ina-qibi-Ašur-lišlim *Read* Ina-pî-Aššur-lišlim, = Ana-pî-Aššur-lišlim (q. v.). *Delete* 230, 14 (*see* Eigennamen, *page* 70, *s. v.* *Qibi-Ašur*).

- S. v.* Innamer *Add* 35, 24 (HUCA XXIV, *p.* 213).

- S. v.* Innashira *Not only to be derived from, but also =* Ili-nashira, *q. v.*

Page 49

- S. v.* Iqîš-Adad (2) and (5) *The references in both of these rubrics are possibly to the same person.*⁴⁶

- S. v.* Iqîš-Adad (2) *There is no reason to set* S. 26, *b* 14 *in this rubric.*

- S. v.* Iqšu (1) *Read* Bêl-âli.

Page 50

- S. v.* Iqšu (3) *Read* S. d. (*sic*) Adad-attadin (*cf.* Eigennamen, *page* 7).

- S. v.* Irîba-Adad *All these references should be set under* Erîba-Adad (1), *with merely a cross-reference here.*

- S. v.* Ištar-ereš (3) *Read* S. d. Šulmânu-qarrâd, limmu, 124a, 23; S. 119, 18.⁴⁷

- S. v.* Ištar-kidinni (2) *The reading is doubtful. In any event, read:* V. d. a-û-šá.

Page 51

- S. v.* Ištar-šum-ereš (2) and (3) *The references in both of these rubrics are to the same person. See* Eigennamen, *page* 12, *s. v.* *Adad-teia.*

⁴⁶ The father is a scribe in the service of Aššur-aḥ-iddina (KAJ 62) and Melisāḥ (KAJ 114); and the son is a scribe in the service of Urad-Šerua (KAJ 62).

⁴⁷ Reading in KAV 119, 18:

... mâr ^dŠul-ma-(nu!)-qarrâd.

Page 56

- S. v. Kurbânu* (3) *The individual mentioned in 10, 2 is not to be identified with the man given in 10, 12, 14.*
- S. v. Kurbânu* (5) *Read V. d. Ber-tûri-uşur(?).*
- S. v. Labunia* (1), (2), (3), (4), and (5) *The men referred to in all of these rubrics are to be identified (HUCA XXIV, pp. 195 ff.).*
- S. v. Lâqîpu* (5) *Probably = (3).⁵⁰*
- S. v. Lara-Sin* (1) and (2) *The references in both of these rubrics are to the same person. See note 28.*

Page 57

- S. v. Litt-ilu* (1) and (2) *The references in both of these rubrics are to the same person.*
- S. v. Lullaiau* (1) *There is no evidence that 215, 23 belongs in this rubric.*
- S. v. Lullaiau* (5) and (6) *The men referred to in each of these rubrics are to be identified. Ebeling's identification of the persons given in (6) and (7) likewise appears to be sound.*

Page 58

- S. v. Mannu-gir-Aşur* (3) and (4) *Undoubtedly the men referred to in each of these rubrics are to be identified.⁵¹*

Page 59

- S. v. Marduk-nâdin-aḫi* (1) *The persons given in the two references of this rubric cannot be identified for chronological reasons.*
- S. v. Marduk-nirâri* *The readings are uncertain. No identification of the men given in the two references is possible.*

⁵⁰ The son of the debtor as witness.

⁵¹ The debt owed by two men to Mannu-bal-Aššur is transferred by Mannu-bal-Aššur's son, presumably after the father's death, to Kidin-Adad. Why the son of a strange Mannu-bal-Aššur should be considered (line 9) is not apparent.

Page 60

S. v. Mâr-Idigla (8)

Once again, the uncertainty of the date of KAJ 215 prevents any possibility of identifying the men given in the two references.

S. v. Mâr-Ištar (2)

The person referred to in 36, 5 is not to be identified with the others. Note the differing traces of the father's name.

S. v. Mâr-Šamaš (2), (3),
and (4)

The references in all of these rubrics are to the same person.⁵²

S. v. Mâr-Šamaš (5)

Add = (2), (3), (4)?

S. v. Mâr-Šerua (12)

To this miscellaneous rubric of otherwise unidentified persons add S. 168, 4.

Page 62

S. v. Mudammeq-
Marduk (2)

Delete 215, 28 and 239, RS. 3, 8; and add as a separate entry.

S. v. Mugabša

Delete. Read [A-šu]r-mu-tab-li, q.v.

S. v. Mukallimetu (1)
and (2)

The references in both of these rubrics are to the same person.⁵³

S. v. Mušabši (1) and (2)

Or read ^d[. . .] -mušabši.

S. v. Mušabši (3)

Or read Mu-šab-ši-u-^d[Sibi] (suggestion of Lewy). The reading Šumu-libši is also to be considered.

S. v. Mušallim

Perhaps [Ilu-]šu-mušallim.

S. v. Mušallim-Adad (1)

Add 110, 30.

S. v. Mušallim-Ašur (4)

a) *Delete 178, 11 and add to rubric (5).*

b) *Delete 100, 30 (See Mušallim-Adad).*

Page 63

S. v. Mušallim-Marduk

Delete "limmu? 110, 30?" Cf. Mušallim-Adad.

⁵² Note the enclitic *-ma* after the second *Mâr-Šamaš* in KAJ 132, 5. On the remaining identifications, see HUCA XXIV, pp. 191 f.

⁵³ Brother of the creditor as witness.

- S. v. Mušêzib-Nergal (1) and (2)* *The references in both of these rubrics are to the same person.*
S. v. Mutaqqinu *Read V. d. Si-ku. (Cf. Weidner, Ass. Ep., page 313).*

Page 64

- S. v. Nabû-bêl-ušur* *The identification of the men given in all three references is not certain.*
S. v. Nadinu (3) *Delete.⁵⁴*

Page 65

- S. v. Namru (1) and (2)* *The references in both of these rubrics are to the same person.*
S. v. Naqîdu *Read "Ad. S. d. Ki-ni-ia." Cf. Eigennamen, page 54, where the relationship is correctly stated.*
S. v. Našîria *The references must, for reasons of chronology, be to two different men.*
S. v. Ninuaiau *On the supposed identity of the persons referred to in all these references, see Chapter IV, notes 24, 26.*

Page 67

- S. v. Nûr-Kube (1), (7), (8), (9), (12), (13)* *The references in all of these rubrics are to the same person (HUCA XXIV, pp. 216 ff.).*
S. v. Nûr-Kube (11) *Perhaps the same as the above.⁵⁵*

⁵⁴ Presumably Ebeling reads in KAJ 52:

(line 15) *a-na mI-din-Ku-bi mâr! Na-di-n[u]*.

However, the Iddin-Kube here involved as the creditor is evidently the man whose name is given in line 5 as the son of Rîš-Nabû. The correct reading is therefore:

a-na mI-din-Ku-bi i-na-di-i[n-nu].

⁵⁵ The interpretation of this tablet is difficult. With little doubt, the same Qiš-Amurru is referred to in lines 4 and 8. In line 4, he appears to be the son of Adad-šar; in lines 8 f., he is spoken of as the son of Nûr-Kube. Any certain emendation, however, does not appear feasible on the basis of the tablets published so far.

- S. v.* Nusku-aḥ-iddina *Read* V. d. ^dA-šur-ma-apla-êriš 144, 6; 244, 6 (HUCA XXIV, p. 251).
S. v. Nusku-ašared *The men given in the references are not to be taken as identical.*
- Page 68
S. v. Pauzi (1) and (2) *The references in both of these rubrics are to the same person.*
- Page 70
S. v. Qiš-Amurru (1) and (4) *The references in both these rubrics are to the same person. In all probability, the individual referred to in (3) is also to be identified with the above. For a full discussion, see note 55.*
- Page 71
S. v. Raggangia *Read* ^tGaggiia (Gangiia) — Lewy.
- Page 72
S. v. Rêš-Nabû *Perhaps* = (4).⁵⁶
S. v. Rîmani-Adad (1) and (2) *The references in both of these rubrics are probably to the same person.*⁵⁷
- Page 73
S. v. Sâmîdu (2) and (3) *The references in both these rubrics are possibly to the same person.*⁵⁸
S. v. Sarniqu (1) and (4) *The references in both these rubrics are to the same person.*⁵⁹

⁵⁶ The function of Adad-pilaḥ in these tablets appears always to be that of witness to transactions of Kidin-Adad (KAJ 99; 163; 170). Thus he may well be his nephew.

⁵⁷ In these two contemporary tablets, the scribes are sons of Rîmanni-Adad.

⁵⁸ Note the role played by Melisaḥ in both tablets.

⁵⁹ Note the following reconstruction of KAV 211:

(line 7) *ša iš-tu mIbašši-ilu* (line 8) *ù [Sa]-ar-[ni-qi]* (line 9) *[mârê dŠamaš-ši-me ilqi . . .]* (line 13) *mIbašši-ilu* (line 14) *ù mSa-ar-ni-qi . . .* (cf. KAJ 170).

Both tablets deal with the carpenter who is sold by these two brothers to Kidin-Adad.

- S. v. Siku* Read *S. d. Mu-ta-qi-ni* (*Weidner*, *Ass. Ep.*, page 313).
- Add Siḫi* *V. d. Girimaḫa und Tabbini* 91, 9.
- Page 74
- S. v. Simteia* Read *Adad-te-ja* [^d(!)*Im-te-ja*]. Cf. on *Kidin-Sin*.
- S. v. Sin-[-* *The men given in the two references are not, of course, to be identified.*
- S. v. Sin-dajân* (4) and (5) *The men given in the two rubrics are not to be identified. See s. v. Kidin-Sin.*
- Page 75
- S. v. Sin-dajan* (5) and (6) *The references in both these rubrics are to the same person.*⁶⁰
- S. v. Sin-mešê* Read *Sîn-še-me-e* (suggestion of *Lewy*).
- Add Sin(?) -mudammīq* *V. d. Mâr-ûmi-20*^{kan} 44, 17.
- Page 76
- S. v. Sin-našir* (1) *Since 79 = 166, read 79, 9, 15, 18.*
- S. v. Sin-nasir* (3) and (4) *The references in both these rubrics are to the same person. Cf. Eigen-namen, page 30, s. v. "balṭu-ittia" and "balṭu-kašid."*
- S. v. Sin-našir* (6) *Delete 79, 1 and add to rubric 1. Delete 166, 1.*
- S. v. Sinnia* (5) and (6) *The references in both these rubrics are possibly to the same person.*⁶¹
- Page 77
- S. v. Sin-šeia* (1) *Delete 310, 31, and add as a separate rubric.*
- Add Sin-šemê* *See Sin-mešê for details.*
- S. v. Sin-uballit* *Add (7) lîmu, 77, 23(?).*
- S. v. Sîqi-ilâni* (1) and (3) *The references in both these rubrics are to the same person.*

⁶⁰ The brothers of the creditor as witness.

⁶¹ The son of the debtor as witness.

Page 78

- S. v.* Šābê-Ištar (1) and (2) *The references in both these rubrics are to the same person.*
- S. v.* Šābê-Ištar (1) *Read V. d. A-bu-ṭāb (Cf. Eigen-namen, page 6).*
- S. v.* Šillia (2) *Read S. d. Enlil-bani (ibid. page 38).*

Page 79

- S. v.* Šilli-Kube (8) *The men given in these two references are not to be identified.*

Page 80

- S. v.* Šilli-Marduk (3) *Reading extremely doubtful. Read S. d. [...]-ku-ki-ja. Perhaps the name itself is to be read [...]-šir^dMarduk.*
- S. v.* Ša-Adad-nīnu *There is no connection between the two references.*
- S. v.* Šaddaittu (1), (2) and (3) *The individuals referred to in all of these rubrics are to be identified, as Ebeling, no doubt, intended.*
- S. v.* Šākin-sumê (2) and (3) *The references in both these rubrics are to the same person.⁶²*

Page 81

- S. v.* Šamaš-āmeri (1) *Delete 154, 1.⁶³*
- S. v.* Šamaš-āmeri (1) and (2) *The references in both these rubrics are to the same person.⁶⁴*
- S. v.* Šamaš-amranni *Chronology excludes the possibility of this reading in 159, 4.*

Page 82

- S. v.* Šamaš-dajân (3) *Delete = 1. Reconstruction on the basis of rubric (1) is excluded for reasons of chronology. Add = (2) (Chapter II, note 33).*

⁶² Two of his grandsons would then figure as witnesses in documents of Melisah (*KAJ* 73, 17 ff.; *KAJ* 95, 15 ff.).

⁶³ Which must be read ^{md}Šamaš-[še-zi-ib], the seller of the land (cf. line 9; cf. also, *Eigennamen*, page 85).

⁶⁴ A son is given to the father's brother for adoption.

- S. v.* Šamaš-iddin *Read* Aššur-iddin, *q. v.*
S. v. Šamaš-ilušu? *Read* Šamaš-tukulti.
S. v. Šamaš-ilu-ašaridu *Add* (3) tupšarru 74, 5.
- Page 83
S. v. Šamaš-kîmuia *Read* Perhaps = Šamaš-kîmu-abija (HUCA XXIV, p. 252).
S. v. Šamaš-kîna-ušur (2) *Delete* 252, 2 and add as a separate entry.
S. v. Šamaš-kitti-idi (1) *Add* 59, 24.⁶⁵
- Page 84
S. v. Šamaš-mušêzib *Add* (8) V. d. Erib-ili 26, 21(?).
S. v. Šamaš-pa[*Read* Šamaš-tukulti.
- Page 85
S. v. Šamaš-šêzib (2) *Perhaps the references in both these rubrics are to the same person.*
and (3)
- Page 86
S. v. Šamaš-šumu-lišir *Read* Ilu-amuqa, *cf.* Ebeling, page 45.
S. v. Šamaš-tukulti (2) *Add* 70, 1, 5 (HUCA XXIV, pp. 217 f.).
S. v. Šamaš-tûra-lišir (1) *The references in both these rubrics are to the same person.*⁶⁶
and (2)
S. v. Šamaš-uballiṭ (2) *Add* [150, 20]?
S. v. Šamaš-uballiṭ (4) *Add* 153, 24.
- Page 87
Add Šu-^dAdad *E. d.* Be-ir-ili 156, 5, 14, 18.
Add [Šu?]-Ištar 47, 6 (*See* Taklâku-ana-Marduk).
Add Šilmi-Tešup *S.* 30, 17
S. v. Šulma-ašared *Delete* *S.* 119, 18 (*See s. v.* Šulmânu-qarrad).
S. v. Šulmânu-qarrad (1) *The evidence for identification of the men referred to in these two rubrics is not compelling.*
and (2)

⁶⁵ Possibly, also, read: *S. d.* Ibašši-ilu.

⁶⁶ Though the dating of the tablets in question is doubtful, it is evident that, on the whole, the same names are repeated in each.

- S. v.* Šulmânu-qarrad (3) *Add S. 119, 18.*
- Page 88
- S. v.* Šumma-Adad 179, 23, 24 *should be listed as a separate rubric.*
- S. v.* Šummi-Tešup *The reason for this reading in b. 8 is not clear.*
- S. v.* Šumu-libši (2) and (3) *Read, perhaps, S. d. Arad-Tešup (ar-di-Te-šup).*
- S. v.* Šumu-libši (8) *Delete 132, 25, and add to rubric (1). The individuals given in the remaining two references should not be identified. Perhaps 91, 5 may be Mušabšiu-[Sibi], q. v.*
- S. v.* Šunu-qardu *The first reference may, conceivably, be to a different person.*
- S. v.* Šuprîtu (1) *Delete 170, 4(?) and add to (2).*
- Page 89
- S. v.* Šururia (1) *Delete V. d. Arad-ku-bi? Read, instead, V. d. In-na-me-ir, = (2) (HUCA XXIV, p. 213).*
- S. v.* Šururia (2) *Add = (1).*
- S. v.* Taklâku-ana-Marduk *Perhaps, the son's name is to be read: Šu-Ištar.*
- S. v.* Tarîbatu? (3) *Read Admati-ili (cf. Eigennamen, page 13).*
- Page 90
- S. v.* Tukulti-Adad (1) *Both references are, of course, to the same man.*
- and (2)
- S. v.* Turi-PAP *Read Ber-tûri-uşur (q. v.).*
- Page 91
- S. v.* Tâb-Aşur (2) *Omit "= 1." Add "Or perhaps read Tâb-Ištar, see 85, 30."*
- S. v.* Tâbiae *Perhaps read Tâb-a-[hu]?*
- S. v.* Tâbini *The text of 92, 8 is very doubtful. Even accepting Ebeling's reading, there is no reason for identifying the persons given in the two references.*

S. v. Tâb-šilli-Šamaš (1) *Read Tâb-šilli-Aššur.*⁶⁷

Page 92

S. v. Ubâria (2)

S. v. Ubazuia

Evidently = (1) and (3).

*In 18, 1, a reference to the seal of the debtor is needed, and thus it might be necessary to read U-ba-ri!-ja.*⁶⁸

S. v. Upru (3)

Add 218, 4; 318, 4; which are to be deleted from rubric (7). Add = (6)? (HUCA XXIV, p. 249).

S. v. Upru (6)

a) *S. 19, a7 is doubtful. The date of S. 19 is still undetermined, nor is its nature as a limu-list at all likely.*⁶⁹

b) *Delete S. 167, 10, which is to be read Upru- [Aššur] q. v.*

c) *Add 138, 3.*⁷⁰

d) *Add 240, 2, 11.*⁷¹

S. v. Upru (7)



Delete the last two references, as indicated s. v. (3).



S. v. Upru (8)

Delete 240, 2, 11, as explained above.

⁶⁷ Cf. line 19, written over an erasure. Apparently the name was written incorrectly at first, and corrected only in one place.

⁶⁸ On the other hand, the witness, Iddin-Bêl may very easily be the son of the creditor. In that case, we should have to explain the following variants of the same name in *KAJ* 18:

(line 11) *U-ba-*  

(lines 5 and 14) *U-ba-*  

(line 21) *U-ba-*  (!)  (Read U-ba-si!-ja).

Perhaps all were means of reproducing the same foreign sound in Akkadian.

⁶⁹ Cf. Weidner, *AfO* XIII, page 111, note 10.

⁷⁰ Read in *KAJ* 138, on the basis of the later mention of the eponymy of Tukulti-Ninurta:

(line 2) *ša li-me* (line 3) [*Up-ri*].

⁷¹ The omission by Ebeling is again the result only of oversight. Ebeling saw the restoration of Upru in line 11 (cf. rubric 8), where the reading is:

ša li-me U[p-ri].

Note also lines 1 f.

(line 1) *ša li-me* (line 2) *^mUp-ri* (cf. line 4).

Page 93

Add Urşu

S. v. Uşur-kînu (3)

S. v. Uzê

S. d. Sin-šar-ilâni 168, 19 (*cf.* Eigennamen, *page* 76).

Read = 1, *rather than* s. 1.⁷²

Add 70, 6 (HUCA XXIV, pp. 217 f.).

⁷² The only difference being the customary use of the genitive after *kunuk* and of the nominative after *maḥar* (𐎠𐎶𐎵).

INDEX OF TEXTS DATED AND DISCUSSED¹

- Assur* 6045f: 243 n. 31
Assur 9819: 202 f., 214 n. 37, 230
 n. 6, **247**, 248 ff., 255 n. 52, 257
 n. 59, n. 62, 259 n. 64, 263, II 114
 n. 24
Assur 11017g: **246**
Assur 11017n: **245**
Assur 11017w: **244**
Assur 11018m: **244**
Assur 11018o: **245**
Assur 11018z: **244**
Assur 12758: II 107 n. 3, **113**, 123
Assur 13058: II 107 n. 2, n. 3, 110
 n. 18, **113**
Assur 14410p: 236

Bi 5: **234 f.**, 270
Bi 6: **234 f.**
Bi 8: 231, **234 f.**, 269
Bi 9: **234 f.**, 268
Bi 13: 229, **234 f.**, 267
Bi 15: **234 f.**, 265
Bi 25: **234 f.**, 270
Bi 31: 229, **234 f.**, 270
Bi 38: **234 f.**, 266
Bi 40: **234 f.**, 265
Bi 91: **234 f.**, 265

CT XXXIII 14b: **235**, 266, II 124
 n. 26
CT XXXIII 15b: **208**, 227

KAH I 3: II 124 n. 30
KAH I 5: 228, 231 n. 9, II 125 n. 32
KAH I 13: 230, II 123 n. 20, 125
 n. 33
KAH I 15: 231
KAH I 63: II 119 n. 4
KAH II 20: II 133 n. 66
KAH II 27: 199, II 119 n. 4

KAH II 28: II 119 n. 4
KAH II 29: II 124 n. 30
KAH II 33: 228
KAH II 34: 228, II 133 n. 66
KAH II 35: II 124 n. 30
KAH II 41: 234
KAH II 42: II 133 n. 66
KAH II 48-50: II 133 n. 66
KAH II 52: II 133 n. 66
KAH II 54: II 124 n. 30
KAH II 58: 241 n. 27, II 124 n. 30
KAH II 60: 241 n. 27, II 124 n. 30
KAH II 61: 241 n. 27, II 125 n. 33
KAH II 84: II 123 n. 20
KAJ 1: **197 f.**, 210, 219, 224
KAJ 2: 221, **223**, 227
KAJ 6: **203**, 212, 219 f., 226
KAJ 7: II 120 n. 6
KAJ 8: 190 n. 7, **203 f.**, 226, II 123
 n. 25
KAJ 10: 203 f., **235**, 261 n. 74, 265,
 II 110 n. 18, 122 n. 13
KAJ 11: **204**, 205 f., 221, 226
KAJ 12: 195 n. 5, **201 f.**, **207**, 208,
 221, 222 n. 44, 226, II 121 n. 9
KAJ 13: **199**, 200 f., 209, 221 f.,
 225, II 121 n. 11, 126 n. 39
KAJ 14: 194 f., **198**, 221, 224, 254
 n. 51
KAJ 15: **243 ff.**, 271
KAJ 16: **215**, 225
KAJ 17: 199 n. 8, **200 f.**, 215,
 221 f., 225
KAJ 18: **199**, 221, 222 n. 44, 225
KAJ 19: **200 f.**, 221 f., 225
KAJ 20: **194**, 198, 201 n. 12, 221,
 222 n. 44, 224
KAJ 21: 211 n. 34, **220**, 227
KAJ 22: **192**, 193
KAJ 23: 195 n. 4, **209**, 226

¹ Passages which discuss the dating of a specific text are indicated by bold face type. References to Part II of these studies (*HUCA* XXV, pp. 107-162, above) are preceded by II. Otherwise, Part I (*HUCA* XXIV, pp. 187-273) is intended.

- KAJ* 24: **209**, 226, II 121 n. 9, 126 n. 38, 128 n. 48
KAJ 25: **197 f.**, 206 n. 22, 218 f., 224
KAJ 26: **201 f.**, 206, **207**, 221, 222 n. 44, 226, 243 n. 35, 255 n. 55
KAJ 27: **199**, 208, 225
KAJ 28: 206 f., **209**, 216, 219, 226
KAJ 29: 195 n. 5, **205**, 207, 221, 222 n. 44, 223 n. 45, 226
KAJ 30: **243**, 245 f., 250, 252, 272
KAJ 33: 214, **215**, 225
KAJ 34: 214, **215**, 216, 225
KAJ 35: **212**, 214, 221, 222 n. 44, 225, II 121 n. 9
KAJ 36: **199**, 203, 210 f., 217 n. 41, 220, 226
KAJ 37: 192 n. 10
KAJ 38: **214**, 225
KAJ 41: **210 f.**, 214 ff., 226, II 121 n. 9
KAJ 42: **222**, 225
KAJ 43: 214, **215**, 225
KAJ 45: **216**, 225
KAJ 47: II 131
KAJ 48: **236**, 237, 256, 270
KAJ 49: **237**, 256, 270
KAJ 50: **192**, 193
KAJ 51: **231**, 233, 255, 269
KAJ 52: **197 f.**, 221, 224
KAJ 53: **205 f.**, 207, 221, 223, 226
KAJ 54: **255**, 262 n. 75, 266
KAJ 56: 245 f., **255**, 258 n. 63, 266
KAJ 58: **209**, 210, 216 f., 219, 225
KAJ 59: **237**, 250, 252, 270
KAJ 60: **199**, 204 ff., 221, 222 n. 44, 225
KAJ 61: 195, **208**, 221, 223, 227
KAJ 62: **230**, 254, 268, II 127
KAJ 63: **201 f.**, **207**, 221, 222 n. 44, 223, 226, II 121 n. 9
KAJ 64: 190 n. 7, **195**, 198, 205, 224
KAJ 65: **209**, 226
KAJ 66: 214 n. 36, **222**, 225
KAJ 67: **205**, 221, 223, 227
KAJ 68 (= *KAJ* 64)
KAJ 69: 211 n. 32
KAJ 70: **211**, 216 ff., 227
KAJ 72: **255**, 269, II 129 n. 51
KAJ 73: **255**, 269
KAJ 75: **229 f.**, 254, 266 f., II 122 n. 16
KAJ 76: **255**, 258, 266
KAJ 79: **208**, 221, 223, 227
KAJ 80: **232**, 233, 237, 256, 270
KAJ 81: **255**, **258**, 268
KAJ 82: 201 f. n. 12
KAJ 83: 230 n. 8, **231**, 232, 237, 254, 256 n. 58, 268, II 124 n. 27
KAJ 85: 192 n. 10
KAJ 86: **205**, 227
KAJ 88: 202, **249**, 271
KAJ 89: 245 f., **255**, 267, II 122 n. 16
KAJ 90: **231**, 255, 269
KAJ 92: II **113 f.**
KAJ 93: **243 ff.**, 248, 250, 271, II 129 n. 51
KAJ 94: **256**, 269
KAJ 95: 211 n. 33, **256**, 269
KAJ 96: **207**, 211 n. 33, 227
KAJ 97: **250**, 271
KAJ 98: 254 n. 51, **255**, 266, II 127
KAJ 99: **199**, 209, 221, 223, 225
KAJ 100: **255**, 266
KAJ 101: II **114**
KAJ 102: **256**, 269, II 122 n. 14
KAJ 103: 233 n. 15, **241**, 248, 273, II 122
KAJ 104: **236**, 270
KAJ 106: 233 n. 15, **241**, 248, 273, II 110 n. 18, 122
KAJ 107: **242**, 248, 273
KAJ 108: 242, **256**, 258, 268
KAJ 109: 230 n. 8, **231**, 233, 235, 253, 255 f., 268
KAJ 110: 230 n. 8, **239 f.**, 257, 272, II 129
KAJ 111: **240 f.**, 247 f., 253, 257, 273
KAJ 112: **257**, 259, 271
KAJ 113: 230, **231**, 233, 253, 256, 268
KAJ 114: **230**, 233, 255, 268

- KAJ* 115: **232**, 256, 270
KAJ 116: 202 f., **241**, 249, 253, 257, 273
KAJ 117 (= *KAJ* 107)
KAJ 118: **256**, 258, 268
KAJ 119: **230**, 232, 237, 255, 268
KAJ 120: **256**, 258, 268, II 124 n. 27
KAJ 121: **233**, 253, 255, 269
KAJ 122: **239 f.**, 257, 272
KAJ 123: **231**, 254 n. 51, 259 ff., 267
KAJ 124: **236**, 256 n. 57, 270
KAJ 124a: 229 n. 4, **235**, 270, II 122 n. 13
KAJ 125: **236**, 259 ff., 270
KAJ 126: II **115**, 123
KAJ 127: 250, **253**, 271
KAJ 128: 238 n. 21, **240 f.**, 257, 273
KAJ 129: II **114 f.**, 123
KAJ 130: 253, 254 n. 51, **255**, 266
KAJ 131: II **111**
KAJ 132: **191 f.**, 193
KAJ 133: 233 n. 15, **241**, 242, 248, 273
KAJ 134: **215**, 225, II 127
KAJ 135: **211**, 227
KAJ 137: **255**, 266, II 122 n. 14, n. 15
KAJ 138: **237 ff.**, 272
KAJ 139: **191 f.**, 193
KAJ 140: 189 n. 2
KAJ 142: 201 n. 12, **208**, 226
KAJ 143: **212**, 227, II 123 n. 25
KAJ 144: **238 ff.**, 250 ff., 272
KAJ 145: **228**, 253 f., 265, II 124 n. 27
KAJ 146: **212 ff.**, 221, 225, II 121 n. 9
KAJ 147: **195 ff.**, 224
KAJ 148: **198**, 224, 254 n. 51
KAJ 149: **201 f.**, **207**, 208, 221, 222 n. 44, 223, 226
KAJ 150: 205 n. 20, **206 f.**, 210, 220 f., 227, 243 n. 34, 250
KAJ 151: 197 f., **206 f.**, 209, 219, 227
KAJ 152: **201 f.**, **207**, 211, 216 f., 226
KAJ 153: 197 f., **205 f.**, 210 n. 30, 211, 216 ff., 226
KAJ 154: 198, **210**, 211, 216 f., 219, 227, II 121 n. 9
KAJ 155: 197 f., **205 f.**, 210 n. 30, 211, 216 ff., 226
KAJ 156: **214**, 227
KAJ 157: **208**, 221, 227, 228 n. 2, II 126 n. 39
KAJ 158: **232**, 259 ff., 270, II 122 n. 13
KAJ 159: **232**, 260 f., 270, II 122 n. 16
KAJ 160: **194**, 222, 224
KAJ 161: 195 ff., **199**, 200 f., 209, 221, 223, 225
KAJ 162: **190**, 192 f., II 120, 123 n. 25
KAJ 163: 195 ff., 208 n. 26, **209**, 221, 223, 226
KAJ 164: **200 f.**, 208, 225
KAJ 165: **206 f.**, 221, 227, 243 n. 64, 250, II 121 n. 10, 126 n. 41, 129
KAJ 166 (= *KAJ* 79)
KAJ 168: 202, **249**, 271, II 122 n. 14
KAJ 170: **199 f.**, 201, 221, 223, 225, II 121 n. 10
KAJ 171: **233**, 247, 268
KAJ 172: **190**, 193, 200 n. 11, II 123 n. 25
KAJ 173: **199**, 226
KAJ 174: **190**, 191 ff.
KAJ 175: 200 n. 11, **208**, 227, II 126 n. 38
KAJ 176: **197 f.**, 224
KAJ 177: **189 f.**, 193
KAJ 178: **259**, 260 ff., 271
KAJ 179: **198**, 221 f., 224
KAJ 180: **240**, 272
KAJ 182: **233**, 270
KAJ 183: **194**, 224
KAJ 184: **233**, 270
KAJ 185: II **111**, 114 n. 24, 123 n. 21
KAJ 186: II **111**

- KAJ* 187: II **111**, 123
KAJ 188: II **111**
KAJ 189: II **111**, 123 n. 21
KAJ 190: **264**, 273
KAJ 191: II **111**
KAJ 192: II **111**, 115, 123 n. 19, n. 21
KAJ 193: II **111**
KAJ 194-195: II **112**
KAJ 196: 189 n. 2
KAJ 197: II **111**
KAJ 198-204: II **112**
KAJ 205: II **112**, 114 f.
KAJ 206-208: II **112**
KAJ 209: II **112**, 123 n. 19
KAJ 210: II **112**
KAJ 211: II **112**, 114
KAJ 212: 257 n. 61, II **112**
KAJ 213: II **112**
KAJ 214: II **112**, 114 n. 24
KAJ 216: II **112**
KAJ 217: **236**, 260 f., 270, II 124 n. 27
KAJ 218: 202 f., **249**, 271
KAJ 219: **235**, 270
KAJ 221-222: II **112**
KAJ 223: **236**, 256 n. 57, 270
KAJ 225: **232**, 233, 270
KAJ 227: **258**, 266
KAJ 228: **243 ff.**, 271
KAJ 229: **206 f.**, 223, 227, 250
KAJ 230: 238 f., **240**, 250, 252, 253 n. 48, 264 n. 77, 272
KAJ 232: **258**, 266
KAJ 233: 228 n. 1
KAJ 235: II **112**
KAJ 237: II **111**, 112 n. 21, 123
KAJ 238: **238 ff.**, 250, 252, 272
KAJ 240: 237 f., **239 f.**, 263, 272
KAJ 241: **239 f.**, 250 ff., 272
KAJ 242: **230**, 247, 250, 260 f., 268
KAJ 244: 238, **239 f.**, 250 ff., 272, II 127
KAJ 245: **257**, 259, 271, II 122 n. 12
KAJ 250: 211 n. 33
KAJ 251: 228 n. 2, II 126 n. 39
- KAJ* 253: 223 n. 45, 231 n. 9, **259** 269
KAJ 254: II **112**
KAJ 255: **243**, 273, II 122 n. 15
KAJ 256: 260, **263**, 273
KAJ 257: 243 n. 35
KAJ 258: 231 n. 9, **259**, 269
KAJ 259: II **115**
KAJ 262: **231**, 254, 267
KAJ 263: 208 n. 27, **249**, 271
KAJ 264: II **112**, 114 n. 24, 123
KAJ 265: II **112**, 113
KAJ 267: **232**, 270
KAJ 268: **257**, 259, 271
KAJ 269: 223 n. 45
KAJ 270: 189 n. 2
KAJ 271: 250, **253**, 271
KAJ 272: **238 ff.**, 272
KAJ 274: 260, **263**, 264, 273
KAJ 275: **233**, 268, II 122 n. 16
KAJ 278: II **112**
KAJ 279: 248, 260, **263**, 271
KAJ 280: II **112**
KAJ 281: II **111**, 123
KAJ 282: II **111**, **112**, 114 n. 24, 115
KAJ 283: II **112**
KAJ 284: II **113**, 115
KAJ 285: 189 n. 2
KAJ 286: II **113**
KAJ 287: 189 n. 2
KAJ 288: II **113**
KAJ 289: **240**, 272
KAJ 290: **230**, 268
KAJ 291: **240**, 243 f., 272
KAJ 292: **243 ff.**, 250, 271
KAJ 293: **243 ff.**, 271
KAJ 293a: 260, **263**, 271
KAJ 294: **215**, 225
KAJ 301: **242 f.**, 244, 272
KAJ 302: II **115**
KAJ 306: 260, **263**, 273
KAJ 307: **228**, 265
KAJ 308: **232**, 270, II 124 n. 27
KAJ 310: 211 n. 33, **236**, 270
KAJ 311: **232**, 270
KAJ 312: **237 ff.**, 272
KAJ 313: **243 ff.**, 271

- KAJ* 314: 215, **236 f.**, 243, 246, 270
KAJ 315: **256**, 259, 269
KAJ 316: **243 ff.**, 267, 272
KAJ 318: 202 f., **249**, 271
KAJ 319: **242**, 248, 273
KAV 93: **194**, 224
KAV 96: **228**, 260 f., 265, II 126
 n. 39
KAV 97: II 127 n. 44
KAV 98: **236**, 253 n. 48, 260 f., 270
KAV 99: 248, 260, **263**, 271
KAV 100: 253 n. 48, 260, **263**,
 273
KAV 102: 257 n. 61, **259**, 260 ff.,
 271
KAV 103: **232**, 260 ff., 270
KAV 104: **236**, 260 ff., 270
KAV 105: 257 n. 61, **259**, 261 f.,
 271
KAV 106: **240**, 261 ff., 272
KAV 107: **228**, 261, 265
KAV 108: 261, **263**, 273
KAV 109: **259**, 261 f., 271
KAV 110: **258**, 266
KAV 111: **258**, 266, II 131 n. 58
KAV 119: 229 n. 4, **235**, 270
KAV 135: 207 n. 23, 240 n. 24, 243
 n. 64
KAV 156: **236**, 256, 270
KAV 157: **258**, 266
KAV 158: **258**, 266
KAV 159: II **115**
KAV 160: 240 n. 24
KAV 167: 240 n. 24
KAV 168: 211 n. 33, **240 f.**, 243 f.,
 273
KAV 169: 238 n. 21, **240 f.**, 243 f.,
 273
KAV 194: 228, 261, 265
KAV 196: **238 ff.**, 261 f., 272
KAV 200: **240**, 261 f., 272
KAV 201: **243 ff.**, 248, 271 f.
KAV 203: **232**, 261 ff., 270
KAV 205: 248, 261, **263**, 271
KAV 207: 228 n. 1
KAV 209: **195**, 200 n. 10, 214 f.,
 224, II 120
KAV 210 (= *KAJ* 173)
KAV 211: **199**, 200 f., 221, 223, 225,
 II 121 n. 10
KAV 212: **203**, 212, 226, 235
KAV 217: **263**, 271
KUB IV, 93: 199 ff.
Speleers 314: **233**, 268
VAT 8722: II 127
VAT 9363: II 107 n. 3, **113**
VAT 9378: II 107 n. 3, **113**
VAT 9405: II 107 n. 3, **113**
VAT 16380 (= *Assur* 9819)
VAT 16381: 246, II 114 n. 24
W. 50: II 107 n. 1, III, **113**
W. 51-54: II 107 n. 1, **111**
W. 55-62: II **107** n. 1, **113**
W. 63: II 107 n. 1, **113**, 123 n. 19
W. 64-71: II 107 n. 1, **113**
W. 72: II 107 n. 1, **113**, 127
W. 73-75: II 107 n. 1, **113**
W. 76: II 107 n. 1, **113**, 134 n. 67
W. 77: II 107 n. 1, **113**
W. 78: II 107 n. 1, II 21, **113**,
 II 14 n. 24
W. 79: II 107 n. 1, **113**
W. 80: II 107 n. 1, **113**, 123 n. 19
W. 81-88: II 107 n. 1, **113**
W. 89: II 107 n. 1, **113**, 134 n. 68
W. 90: II 107 n. 1, **113**, 123 n. 22
W. 91-97: II 107 n. 1, **113**
W. 98: II 107 n. 1, 108, **113**
W. 99: II 107 n. 1, **113**
W. 100: II 107 n. 1, **113**, 123,
 127
W. 101: II 107 n. 1, **113**, II 14 n. 24
W. 102: II 107 n. 1, **113**, 123
W. 103: II 107 n. 1, **113**, 123 n. 19
W. 104-6: II 107 n. 1, **113**
W. 107: II 107 n. 1, **113**, 123
W. 108-111: II 107 n. 1, **113**

THE PROBLEMS INHERENT IN SECTION 70 OF THE BISUTUN INSCRIPTION

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EVER since the trilingual Great Bisutun Inscription became the object of linguistic and historical studies, it has been vividly regretted that its §70 — a section concerning, above all, historians of the Near East — defied all attempts to restore its poorly preserved Old Persian text or to arrive at a full understanding of its difficult Elamite version which fills ten lines frequently designated as “Bisutun I”.¹ Hence it is gratifying that, in an article² announced as forthcoming in Roland G. Kent’s latest — and, unfortunately, last — pertinent paper in vol. 72 of the *Journal of the American Oriental Society*³, W. Hinz offers a new translation of the Elamite version as well as a restoration of the Persian text which he had submitted to Kent and Cameron for verification by means of the squeezes recently taken by the latter savant.

It is, in fact, no exaggeration to say that, as anticipated by Kent, Hinz’s treatment of the linguistic and textual difficulties of this highly controversial section of the *res gestae Darei* is most stimulating. But it is difficult to go along when Hinz, after rendering the Elamite term *tup-pi-me* and its Old Persian equivalent by the — ambiguous! — German word “Schrift”, advances once more the old thesis that Darius “hier für sich in

¹ There exists no Babylonian version of this concluding section of the four columns constituting the oldest part of the Great Bisutun Inscription. For this fact and for further details cf. Kent, *Old Persian*, New Haven 1950, p. 108.

² *ZDMG* 102, 1952, pp. 28 ff.

³ Cf. especially p. 13 where Kent remarked with regard to a passage of his latest reconstruction of section 70 “The appended version . . . , both text and translation, must be revised after Hinz’s article appears in *ZDMG* for 1952”.

Anspruch nimmt, die altpersische Schrift eingeführt zu haben."⁴ Unnecessary to add that he who disagrees with Hinz in this respect will also be inclined to question an interpretation of the last words of §70 of the Bisutun Inscription⁵ according to which the Old Persian cuneiform script was successfully studied by the peoples of all the lands of Darius' vast empire.

The first doubts as to the correctness of Hinz's translation of *tup-pi-me* arise in view of the concluding clauses of DB §70 which he renders "und es wurde geschrieben und vor mir gelesen; dann sandte ich diese Schrift überall in die Lande; das Volk erlernte (sie)." The first of these three sentences brings to mind that the essential part of an Aramaic rescript of king Artaxerxes I (transmitted to us in the Book of Ezra [4.17 ff.]) begins as follows: "The document which you sent to us was in translation⁶ read before me". As was emphasized by Schaefer (*op. cit.*, pp. 5; 13), it results from this opening statement of the royal rescript that, being illiterate, the Achaemenian kings were wont to take cognizance of official communications by having them "read before them" by their secretaries. This being so, and since it can safely be assumed that Darius I was not among the few Ancient Oriental rulers who, like Aššur-bān-apli, could boast of their ability to read and to write cuneiform script⁸, one gains the

⁴ *Loc. cit.*, p. 34. It is pertinent to recall in this connection that Weissbach held the same view for many years (see, for instance, p. LXI of his well-known work *Die Keilinschriften der Achämeniden* [Leipzig 1911] where he expressed himself in much the same terms as now Hinz) but that, having taken cognizance of the results of Herzfeld's excavations at Pasargadae, he renounced it first in a private communication quoted by Schaefer, *Iranische Beiträge* I, Halle 1930, p. 95 and subsequently in *ZDMG* 90, 1936, p. *41*.

⁵ Hereafter quoted as D(arius) B(isutun) §70.

⁶ On Aramaic *mfāraš* "translated", "in translation" see Messina in *Miscellanea Biblica*, II, Roma 1934, p. 88. Schaefer (*op. cit.*, pp. 6 ff.) goes too far in insisting that the term refers to "extemporaneous translation".

⁷ Note that the Hebrew equivalent of the idiom "to read before X" occurs, likewise with respect to the Persian king, in the following significant verse (6.1) of the Book of Esther: "On that night sleep deserted the king, and he gave orders to bring the Book of the Records, the chronicle, and they were read before the king."

⁸ This follows from a comparison of ll. 31 ff. of Darius' Naqš-i-Rustam

impression that Darius' statement to the effect that something was written and read before him relates not to a type of cuneiform script formerly unknown, as taken for granted by Hinz, but rather to a document or an official communication read (i. e., submitted) to the king for his approval. The fact that, according to the second of the three clauses here under discussion, the *tup-pi-me* which had been "read before" Darius was "sent to all countries" points in the same direction, not only because it is self-evident that royal pronouncements went out into all parts of the realm but also because one of the biblical sources which furnish information about the institutions of the Old Persian Empire takes it for granted that royal communiqués relating important events were "dispatched to all countries". I refer to the first chapter of the Book of Esther⁹ where we are told that Xerxes¹⁰, having been persuaded of the advisability of promulgating a royal "report" or "message" (*pitgām*¹¹) concerning an unpleasant incident and its consequences, "sent letters to all the royal provinces, into every province according to its script and

Inscription b (latest transliteration and translation of the Persian version by Kent, *Old Persian*, pp. 138 ff.) with the autobiographical passages to be found in various inscriptions of Aššur-bān-apli (see, for instance, Streck, *Assurbanipal*, II, Leipzig 1916, pp. 4 f.; pp. 256 f.; Böhl, *Der babylonische Fürstenspiegel*, Leipzig 1937, pp. 7 and 11; Falkenstein und von Soden, *Sumerische und akkadische Hymnen und Gebete*, Zürich und Stuttgart 1953, p. 13): In conformity with what Herodotus (I 136; cf. below, p. 201) says about the educational ideals of the Persians, Darius speaks merely of his physical skills as a horseman, bowman and spearman, but the Assyrian king lays stress upon his ability to break in horses and to use the bow and other weapons as well as on his familiarity with the arts of writing, reading and reckoning.

⁹ Perhaps it should be restated that, in spite of its legendary character, the Book of Esther includes reliable historical reminiscences; cf. the observations of Eduard Meyer, *Geschichte des Altertums*, III², Stuttgart und Berlin 1915, pp. 5; 46 f.

¹⁰ From the viewpoint of the present discussion, it is, of course, irrelevant that, as I have pointed out in *Hebrew Union College Annual* XIV, 1939, pp. 128 ff., the non-Jewish story on which the biblical Esther romance is based, is likely to have reflected events which took place during the rule of Artaxerxes II and not of Xerxes.

¹¹ For the various interrelated notions conveyed by Hebrew *pitgām* and for its Persian origin see especially Eduard Meyer, *Die Entstehung des Judentums*, Halle 1896, p. 23.

to every people according to its language."¹² Since a bold attempt to discredit this testimony of an ancient writer can be dismissed¹³, it strengthens us in the opinion that we must find out, above all, whether the Elamite term to which Hinz, taking up an old proposal by Foy¹⁴, attributed the meaning "Schrift" in the sense of "written characters" might not relate to a "document", "report" or the like. That this is actually so is, indeed, highly probable in view of the following data: (1) Elamite *tup-pi*, which is to *tuppi-me* as *sunki* "king" is to *sunki-me* "kingdom", "kingship", is the same word as Akkadian *tuppu* (<Sumerian *dub*) "(clay) tablet", "inscription"; (2) the use, traceable throughout the millennia, of Akkadian *tuppu* in the sense of "document" justifies the assumption that, contrary to Hinz in whose opinion it means always either "Täfelchen" or "Inschrift", Elamite *tuppi* also denoted a "document"; (3) the Elamite suffix *-me* is known to form abstract nouns¹⁵, whence it appears that *tuppi-me* is

¹² A full quotation of these concluding words of verse 1.22 (as well as of the cognate verse 8.9) is in order because they illustrate the fact, to be discussed below, that, according to DB §70, the various nations of the Old Persian Empire were given the opportunity to read the official presentation of Darius' accomplishments in their respective languages.

¹³ According to Schaefer, *op. cit.*, p. 1 with note 2, the author of the verse just cited betrays a typical ignorance of an event which he describes in the following terms: "Es bedeutete . . . einen meisterhaften administrativen Griff, dass Dareios den amtlichen Schriftverkehr in einer und derselben Schrift und einer und derselben Sprache, nämlich der aramäischen, durchführen liess." The thesis underlying Schaefer's views concerning Esther 1.22 and 8.9 — a thesis subsequently (*op. cit.*, p. 5) reappearing in a statement to the effect "dass der achämenidische Kanzleiverkehr einerseits auf Einsprachigkeit des Schriftverkehrs, anderseits auf Mehrsprachigkeit der Schreiber gestellt war" — became definitely untenable when the excavations at Persepolis yielded, in addition to Aramaic inscriptions on mortars and pestles and to a Babylonian administrative text from the twentieth year of Darius I (published and discussed by Cameron, *Persepolis Treasury Tablets*, Chicago 1948, pp. 200 ff.), thousands of Elamite documents. For these documents date from the years 508–459 B. C. and must be defined as economic-administrative texts; see Cameron, *op. cit.*, pp. 24 ff. and Hallock, *Journal of Near Eastern Studies* 9, 1950, p. 238.

¹⁴ *ZDMG* 52, 1898, pp. 564 and 597; 54, 1900, p. 361.

¹⁵ See most recently Cameron, *op. cit.*, pp. 52 f.; J. Lewy, *Jahrbuch des Bernischen Historischen Museums in Bern*, XXIX. Jahrgang 1949, Bern 1950,

likely to designate the quintessence of a document, i. e. the "account", "report" or "narration" contained in a document.¹⁶ So far as the first and second of the afore-cited three clauses of DB §70 are concerned, it is, therefore, legitimate to substitute for German "Schrift" a term for "narration", "official report" or the like¹⁷ and, accordingly, to conclude that those two clauses deal with a communiqué or the like which, after being approved by Darius, went out into all the lands of the empire.

Before leaving the three clauses here under discussion, it remains to show that Hinz's virtually identical renderings of Elamite *iaššwibbe sapiš* ("deren Bewohner erlernten") and Old Persian *kāra hamā[ta]hšatā* ("das Volk erlernte") cannot be regarded as a sufficient basis for any thesis which implies that, during the earlier part of Darius' rule, the Old Persian cuneiform script was a subject of study by the conquered peoples "of all the countries". To begin with the Elamite version, it must be noted that, in attributing to the verb *sapiš* the meaning "they learned", Hinz failed to make full use of the pertinent remarks found on p. 244 of Richard T. Hallock's above-cited article "New Light from Persepolis". For, after calling attention to the relation

p. 68, note 3; Labat, *Conférences de l'Institut de linguistique de l'Université de Paris*, IX (années 1950-1951), Paris 1951, p. 32.

¹⁶ That — in spite of Weissbach's assertion to the contrary (see below, note 35) — "inscription" is not an adequate rendering of *tuppi-me* follows with certainty from the well-known passage in DB §66 which mentions the sculpture and the inscription engraved upon the Rock of Bisutun; for the Elamite version employs there not *tuppi-me* but *tuppi* in the sense of the unambiguous Babylonian ^{aban} *narū* "stone inscription". — The unsubstantiated proposal of Herzfeld, *Archaeologische Mitteilungen aus Iran* VIII, 1937, p. 11 to render *tup-pi-me* by "Schrifttum (nom. abstr.)" seems to have been inspired by the curious idea that "Schrifttum", "literature" would be a suitable translation of a regular abstract noun of *tuppi* "Schrift", "script".

¹⁷ This is the place to remark that every one familiar with the use of "Schrift" in the sense of "treatise", "pamphlet" and the like will find that Hinz's translation makes sense even without substituting "Urkunde", "(Rechenschafts)bericht" or the like for "Schrift". But Hinz's detailed comment as well as the paraphrase which he attached to his literal rendering of the Old Persian text show that he did not think of the afore-mentioned ambiguity of "Schrift" or, for that matter, of *γραφή*, *scriptio* and the Hebrew and Aramaic equivalents of these terms.

obtaining between our DB passage and the clause *^mpu-^hu ^mbar-SIN-be ^mtup-pi-me sa-pi-man-ba* which he could quote from one of the unpublished so-called Fortification Tablets from Persepolis ("Fort. 7903"), Hallock suggested for the root *sapi-* the meaning «"to copy", "to translate", or, possibly, "to read"». ¹⁸ Moreover, he also communicated a passage in which *sa-ap-KI.MIN* occurs in connection with a sealed document designated as *hal-mi*. ¹⁹ Since, unlike a script or a language, a sealed document can neither be taught nor "learned", these data obviously preclude Hinz's rendering of *sapiš*. Conversely, it cannot escape our attention that, in so far as DB §70 is concerned, the second of the meanings contemplated by Hallock makes excellent sense. For as, in the Elamite version, Darius' "report" (*tuppime*) "in Aryan" is said to have been without precedent in the history of the Ancient Near East, ²⁰ a reference to a translation is only natural, all the more so since, as far as we know, Darius was actually the first king ever to divulge a full account of his achievements in "Aryan" and at least three other languages. Hence there remains little doubt that *taššuibbe sapiš* means "Their people translated (it)." ²¹

¹⁸ With respect to the clause quoted by him from Fort. 7903 Hallock therefore proposed the rendering "Persian youths (who) are copying(?) inscription(s)." (On *puhu* "boy" see Cameron, *op. cit.*, pp. 36; 68.)

¹⁹ For *halmi* "sealed order" or "sealed document" see Cameron, *op. cit.*, pp. 31 and 53 f.; Hallock, *loc. cit.*, pp. 247 f.

²⁰ See "Bisutun I", lines 1-5: "Saith Darius the King: By the will of Ahuramazda I made a report in other ways, (namely) in Aryan, which previously did not exist, upon clay tablets [lit., "crude bricks"] as well as upon leather." The Persian version, as restored by Hinz, is less explicit but it does not contradict the Elamite text; cf. col. IV, ll. 88^b ff.: "Saith Darius the King: By the will of Ahuramazda is this my report which I made; in addition, it was in Aryan, upon parchment as well as upon leather as well als upon clay (lit., "bricks")."

²¹ Similarly, it is a legitimate assumption that the above-cited clause of the Fortification Tablet 7903 concerns young Persians serving not as "copyists of inscriptions" but as "translators" of "reports" (*tuppime*), letters, oral and written orders etc. Since the use of the "Aryan" language in documents written on parchment and leather is attested by DB §70 for the very first years of Darius' reign (cf. below, p. 178), and since, on the other hand, the government offices at Persepolis (and, no doubt, also elsewhere) were staffed

In considering it natural that "Bisutun I" terminates in a statement to be rendered "their people translated (it)", we are supported by two biblical passages which confirm that such a remark may well be expected in sources relating to communications exchanged between the Persian king and his non-Iranian subjects. I refer, in the first place, to the above-mentioned verse Ezra 4.18 from which it is learnt that Artaxerxes' answer to a report in Aramaic which had been sent to him by the people of Samaria began with the words "The document which you sent to us was in translation read before me". Equally significant is the cognate passage Ezra 4.7 which states first that "in agreement with Miṭrdāt²²", a certain "Ṭāb-ʿēl and the rest of his companions wrote to Artaxerxes, the king of Persia" and adds *ukṭāḥ hanništwān kātūḥ* ^a*rāmūṭ umṭurgām*²³ "and the document²⁴ was written (in) Aramaic and was to be translated". (As this rendering of verse 7^b differs considerably from Schaefer's latest

with Elamite scribes even after Darius' eleventh year (see the literature quoted above, p. 172, note 13 *in fine* and cf. Cameron, *Journal of Near Eastern Studies* 1, 1942, p. 218) it is, indeed, obvious that the administration could not get along without the help of translators capable of handling communications put down in "Aryan" as well as of translating into Aryan reports which, emanating from the Elamitic-speaking personnel of the treasury and other offices, were destined to be read to the king or highly-placed Persian officials.

²² As for this rendering of *bišlām Miṭrdāt*, see Klostermann, *Geschichte des Volkes Israel*, München 1896, pp. 216 and 238 and Schaefer, *op. cit.*, pp. 16 f. The objections of Bergsträsser, *Orientalistische Literaturzeitung* 35, 1932, col. 204 f., according to whom Aramaic *šlām* and Hebrew *šālōm* cannot well be supposed to express the notions "Einverständnis" or "Freundschaftsverhältnis" can be dismissed in view of biblical passages such as Jer. 20.10 (אִישׁ שְׁלוֹמִי) and Ps. 41.10 (אֲנוֹשׁ שְׁלוֹמִי).

²³ On the necessity of omitting the second ^a*rāmūṭ*, which constitutes the last word of the verse, see presently.

²⁴ As was felt by Marquart, *Fundamente israelitischer und jüdischer Geschichte*, Göttingen 1896, p. 63, *ktāḥ hanništwān* amounts to a tautology meaning "the document". Cf. also Ed. Meyer, *op. cit.*, p. 18 who, after calling attention to the synonymy of the terms *ktāḥ* and *ništwān*, says "offenbar ist nichts als eine alte, schon LXX bekannte Glosse zu dem persischen Wort *כתב*, der offiziellen Bezeichnung eines Regierungsschreibens, die daher ins Aramäische aufgenommen ist." He might have added that the use of *ktāḥ* in the sense of "document" is proved by Esther 8.8 and 8.13.

relevant proposal²⁵, it is pertinent to mention that we agree on principle with Marquart who, as early as 1896²⁶, attributed to the words here under discussion the meaning "die Urkunde war aramäisch abgefasst, musste aber dem König verdolmetscht werden". But whereas Marquart, who was, above all, an Iranian scholar, went on to say "Es ist also zu lesen מִתְּרַגְּמָן פֶּרְסִיָּה 'er [sic] ward ins Persische übertragen", we are aware of the fact that numerous instances in which a Hebrew or an Aramaic passive participle has the same function as a Latin *gerundivum*²⁷ permit us to attribute to *mturgām* the meaning "(was) to be translated"; accordingly, we conclude that the text has actually the postulated "musste verdolmetscht werden (scil. at the Persian court)". As, furthermore, the concise wording of the cognate passage Ezra 4.18 shows that we need not expect a statement as to the language into which ʾTāb-ʾēl's apology was to be translated, Marquart's emendation of the received text turns out to be superfluous, all the more so since, following Oppert [1860], Haupt [1896], Bertholet [1902] and others, the *'arāmīt* at the end of our verse can safely be defined as a gloss which, exactly like the *'arāmīt* at

²⁵ Schaefer, who seems to have been the first savant to compare Ezra 4.18 and 4.7^b, translates verse 7^b as follows: "Die Schrift des Dokumentes: geschrieben aramäisch und verdolmetscht aramäisch" (see *op. cit.*, pp. 17 and 20). The obvious untenability of this rendering was duly noted by Bergsträsser, *loc. cit.*, col. 205 who, while unaware of Marquart's and Meyer's above-cited remarks concerning the synonymy of *ktāb* and *ništwan*, justly observed "Wozu die Bemerkung über die Schrift, wo diese in einer aramäischen Urkunde selbstverständlich aramäisch war, und zudem, wie Schaefer wohl annimmt, der Chronist selbst ebenfalls in aramäischer Schrift schrieb?" As a curiosity, we mention in passing that R. Kittel, *Geschichte des Volkes Israel*, III, 2, Stuttgart 1929, p. 602 with note 1 credited Schaefer with the following translation of verse 7^b: "Und die Schrift der Eingabe war aramäisch verfasst und (ebenso) aramäisch aufgesetzt." This rendering cannot, of course, be supported by Kittel's grotesque comment "מִתְּרַגְּמָן = schriftliche Aufzeichnung eines (meist übersetzten) amtlichen Textes."

²⁶ *Op. cit.*, p. 63. In order to avoid any misunderstanding, I note expressly that, aside from the observation here cited, Marquart's study on Ezra 1-6 offers hardly anything to which I could subscribe.

²⁷ Cf. Gesenius-Kautzsch, *Hebräische Grammatik*²⁸, Leipzig 1909, §116 (pp. 371 f.) sub e and Kautzsch, *Grammatik des Biblisch-Aramäischen*, Leipzig 1884, § 76, pp. 141 f. sub 3.

the end of Daniel 2.4³¹, serves the purpose of indicating that the following section of the biblical text is Aramaic.)

When now turning to the afore-cited last words of the Old Persian version of DB §70, we cannot fail to remember that the Old Persian "originals" of Darius' monumental inscriptions and their Elamite and Babylonian translations are sometimes at variance²⁸, all the less so since, as is now corroborated by the restoration of the Old Persian text, the first lines of DB §70 are among the passages in which the so-called original differs from the version.²⁹ In other words, it cannot be taken for granted that Old Persian *hamā[ta]hšatā* is more or less synonymous with Elamite *sapiš* to which we attributed the meaning "they translated (it)". As, furthermore, Persian *hamtaḥš-* actually corresponds nowhere to Elamite *sapi-*, it appears, indeed, that the divergencies between the Old Persian "original" and the Elamite version comprise the concluding words of DB §70. Against Hinz³⁰, the interpretation of the laconic nominal sentence *kāra hamā[ta]hšatā* must, therefore, be based, on the one hand, upon the context and, on the other, upon the fact that *hamtaḥš-* is known to mean "to operate", "to cooperate"³¹. Once this is realized, it is easy to see that Kent's latest translation "the people joined in the work"³² makes perfect sense after statements to the

²⁸ Cf., *inter al.*, Weissbach, *op. cit.*, pp. XXXII f. As was felt by Weissbach when he published the stone inscription from Babylon which turned out to be a fragmentary duplicate of DB (see his *Babylonische Miscellen*, Leipzig 1903, p. 25), it is reasonable to attribute at least some of the differences to considerations of political expediency. In the instance of DB the one or the other divergency can be explained by the assumption that the translations were made and disseminated before the Old Persian text, as known to us, had been definitely established and engraved upon the Rock of Bisutun; cf. below, p. 179. As for a third factor which accounts for certain minor variants, see Eduard Meyer, *Der Papyrusfund von Elephantine*², Leipzig 1912, p. 101.

²⁹ Cf. above, p. 174, note 20.

³⁰ *Loc. cit.*, p. 37.

³¹ See Herzfeld, *Altpersische Inschriften*, Berlin 1938, pp. 59; 322 ff.; Kent, *Old Persian*, p. 186 and note that the Dtt form of Babylonian *paqādu* by which *hamtaḥš-* is rendered in both DB §14 and Naqš-i-Rustam b is likely to mean "to charge oneself (with doing something)", "to attend (to a thing)".

³² *JAOS* 72, 1952, p. 13.

effect that Darius made a report in Aryan and disseminated it "in all the countries". For it is manifest that this unprecedented undertaking required the assistance of many a helper.

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We are now prepared to discuss the implications of DB §70 from the historical point of view. In this respect it is again essential to pay full attention to its opening statement "By the will of Ahuramazda is this my report which I made". For besides confirming the old observation that DB §70 is the concluding section of the original Great Bisutun Inscription³³, the Old Persian col. V being a supplement dealing with events of Darius' second and third full year³⁴, this sentence makes it particularly clear that, contrary to a somewhat surprising remark of Weissbach³⁵, col. IV, ll. 88^b-92 concern not Darius' inscriptions in general but exclusively the account of his accomplishments as laid down in §§1-69, its language, the materials on which it was written, its approval by the king³⁶ and its dissemination among the nations. In evaluating the slightly differing statements of col. IV, ll. 88^b ff. and "Bisutun I"³⁷, we are therefore confronted

³³ Cf., *inter al.*, Weissbach, *ZDMG* 61, 1907, pp. 730 f.

³⁴ Thus according to the results of Cameron's recent investigations at "the Rock" and his repeated examination of the squeezes made upon this occasion; cf. Cameron, *Journal of Cuneiform Studies* 5, 1951, p. 52; Kent, *JAOS* 72, 1952, pp. 15 ff.

³⁵ I refer to the following remark in *ZDMG* 67, 1913, p. 329 which, strangely enough, seems to have remained unchallenged: «Über den Anfang [of DB §70] ist nichts weiter zu bemerken . . . Ob man *tup-pi-me* durch "Inschriften", "Urkunden", "Schriftstücke", "Texte" oder ähnlich übersetzen will, ist unerheblich. Das Hauptgewicht liegt in jedem Falle auf der *Schrift*.» Since we came to the conclusion that Elamite *tup-pi-me* denotes the contents of a document (cf. above, pp. 172 f.), it is not without interest to recall that Weissbach's assertion was in part directed against Ed. Meyer who, on p. 100 of his above-cited monograph *Der Papyrusfund von Elephantine*, had expressed the view that the beginning of DB §70 relates not so much to stone inscriptions but rather to "Urkunden" or the like written upon both clay tablets and leather.

³⁶ Cf. above, pp. 170 f.

³⁷ Cf. above, p. 174, note 20.

with the following questions: (1) Is it likely that Aryan, i. e. Old Persian, copies of the so-called main body of DB (col. I-IV = §§ 1-69) were disseminated? (2) Can it reasonably be assumed that these Old Persian copies were written not only on clay tablets and bricks but also on leather? (3) Did the Elamite version exaggerate in stating that Darius' procedure was without precedent?

The answer to the first of these three questions is provided by the well-known fact that, in distinction from the Persian text, the §§ 27, 29, 33, 36, 38 and 47 of the Babylonian version mention the losses in dead and prisoners suffered by the armies of Darius' adversaries³⁸; for the existence of these additional statements leaves no doubt that the Babylonian version is based upon an original which differed from the Persian text on the Rock of Bisutun and which, incidentally, included details omitted in the latter. Moreover, as it certainly was of considerable importance for Darius to announce his great successes as quickly as possible, it is also obvious that the Persian text underlying the Babylonian version was released and translated long before the main body of the Great Bisutun Inscription had been engraved. In view of the existence of clay tablets inscribed with the Old Persian version of other inscriptions of Darius³⁹, it is, finally, a fair assumption that the original Persian texts furnished to the translators were likewise written on clay tablets. On the other hand, it is manifest that the difference in style and contents distinguishing Darius' records from the older Persian inscriptions is marked enough to make it probable that Persian texts comparable to DB did not exist in the times of the older Achaemenians. Hence we

³⁸ As is shown by the Aramaic version found at Elephantine, also the damaged §§ 28, 31, 41, 42 and 43 of the Babylonian version reported the losses of the defeated armies.

³⁹ I refer especially to the fragment B.M. 93-5-13, 7 (published by Bezold, *ZA* 25, 1911, p. 394 and identified as part of a copy of Darius Susa e by Weissbach, *ZDMG* 91, 1937, pp. 82 f.; *ZA* 44, 1938, p. 151) and to the largest fragment of the so-called Charte de fondation du palais (Darius Susa f; cf. Weissbach, *Archiv für Orientforschung* 7, 1931-32, p. 38; Kent, *Old Persian*, p. 110). As for clay tablets and bricks inscribed with Darius Susa a and b, see Weissbach, *ibidem*, p. 37 and p. XX of his *Keilinschriften der Achämeniden*.

see no reason for questioning the correctness of the statement in the Elamite version of DB §70 which, according to our interpretation of the term *tuplime*, inter alia describes Darius as the first king to have his *res gestae* presented in Aryan upon clay tablets and bricks. Nonetheless, the emphasis with which "Bisutun I" declares that DB was made "in other ways" and constituted a *novum* in the history of the ancient Near East is obviously not fully explained by the observation that Darius is likely to have used the Old Persian language and script more extensively and for other purposes than his predecessors.

Since, as was just mentioned, the interpretation of "Bisutun I" is in part concerned with the differences distinguishing DB as well as other major inscriptions of Darius from the monumental inscriptions of Cyrus II which were found at Pasargadae, it is in order to say here a few words about Hinz's repeated attempts to revive the assertion that the trilingual inscriptions naming the founder of the palaces of Pasargadae date from a time when this city had ceased to be the royal residence. In distinction from Prášek⁴⁰ who merely ventured the suggestion that the "Inscription von Murghab"⁴¹ might be regarded as "eine für den grossen König von einem seiner Nachkommen gewidmete Denk-inschrift", Hinz⁴² goes so far as to contend that Darius provided the pillars, columns, doorways and statues of Cyrus' palaces and gates with his great predecessor's "Königsprotokoll" because he was desirous to let the public know to which ruler's activities Persia owed those buildings. However, to say nothing of Weissbach's well-founded warnings against such contentions⁴³, Hinz's

⁴⁰ *Geschichte der Meder und Perser*, II, Gotha 1910, p. 4.

⁴¹ As will be recalled, Prášek and his contemporaries knew only of copies of that one inscription from Pasargadae which Weissbach erroneously attributed to the "younger Cyrus" who fell in 401 B. C. in the Battle of Kunaxa.

⁴² *Loc. cit.*, p. 38 and, especially, *ZDMG* 92, 1938, pp. 164-167. See also *ibidem*, 93, 1939, p. 380.

⁴³ See *ZDMG* 48, 1894, pp. 664 ff.: "Indessen muss man fragen, wer könnte wohl Cyrus . . . die Inschrift gesetzt haben, wenn es nicht Kambyses und Smerdis gewesen sein konnten? Die späteren Könige interessierten sich für die ausgestorbene Seitenlinie ihres Geschlechtes ausserordentlich wenig. Nur Darius erwähnt sie ganz flüchtig in der Behistan-Inschrift. Xerxes und seine Nachfolger schweigen ganz. Hätte aber auch einer von diesen das Relief

hypothesis is unsatisfactory since it does not account for the significant fact, fully discussed in Herzfeld's report on his excavations at Pasargadae⁴⁴, that one group of those short "protocols" reads "I (am) Cyrus the king, the Achaemenian", whereas the other has "Cyrus the great king, the Achaemenian"⁴⁵.

für den grossen Cyrus anfertigen lassen, so würde er doch wohl kaum seinen eigenen Namen fortgelassen haben. Das wichtigste jedoch ist, dass die Inschrift nicht bloss als Denkmalslegende verwendet wurde, sondern auch als Palastinschrift. Die Pfeiler ohne Relief sind die letzten Reste zweier Paläste, die der lebende Cyrus für sich gebaut haben muss"

To be sure, these remarks are now antiquated in some details, but they are not invalidated by bold statements to the effect that, just as Darius was the author of the monumental inscriptions of Pasargadae, Xerxes wrote the inscriptions at Darius' tomb. In fact, in making the latter assertion, Hinz not only failed to recall that, in the countries bordering on Iran, many an earlier king's resting place had been built while he was alive (see now especially Weidner, *Archiv für Orientforschung* 13, 1939-41, pp. 213 ff.), but he even disregarded the chronological implications of the fact, transmitted to us by Ctesias *apud* Photius (frg. 15), that Darius' tomb was completed early enough to be shown to his parents. (Since Hinz, *loc. cit.*, p. 38 justifies his attribution to Darius of the Pasargadae inscriptions by a vague allusion to the above-cited earlier papers of his in which, following suggestions of Schaefer, he asserted that Xerxes was also the author of Darius' trilingual "Elvend Inscription", it is in order to recall that, as is learnt from his remark in *ZDMG* 93, 1939, p. 379, an autopsy of this inscription convinced him of the precariousness of this contention. This fact ought to have been mentioned by Kent, *Old Persian*, p. III.)

⁴⁴ *Archaeologische Mitteilungen aus Iran* I, 1929, pp. 4 ff.

⁴⁵ A glance at the inscribed bricks and the foundation documents of the Late Assyrian and Neo-Babylonian kings shows that either of these "protocols" must be defined as the substitute of a more or less detailed building inscription. So far as the older inscription is concerned in which Cyrus introduces himself as king and Achaemenian, I refer, on the one hand, to the brick of Nebuchadnezzar in the Museum at Istanbul (cf. Scheil, *Revue d'Assyriologie* 24, 1927, p. 48) and, on the other, to the first section of Neo-Babylonian foundation documents such as the same Babylonian king's cylinder YBC 2122 (published by Clay, *Miscellaneous Inscriptions in the Yale Babylonian Collection*, New Haven 1915, No. 44); cf. further the opening words of Nabū-nā'id's famous cylinder inscription *VR* 64 or those of Šin-šarra-iškun's brick inscription Assur 13188 and duplicates (published by Schroeder, *Keilschrifttexte aus Assur historischen Inhalts*, II, Leipzig 1922, No. 134). As regards the inscription which characterizes Cyrus as "great king", it can be compared to the legends on bricks of Nebuchadnezzar which, as was shown by Scheil,

Moreover, Hinz fails to provide an explanation of the existence of a fragmentary inscription of at least six lines⁴⁶ which seems to have mentioned Cyrus' father, Cambyses I, and, inter alia, dealt with the king's statue and palace. Hence it is clear that his interpretation of the additional phrases "in other ways" and "which previously did not exist" by which "Bisutun I" is distinguished from the Old Persian version of DB §70 can and must be discarded.

On the other hand, it is to the credit of Hinz to have pointed out that the two versions of DB §70 also differ in respect to the list of writing materials used by Darius' clerks when writing in Aryan. To be sure, in concluding his discussion of the fact that the Persian version speaks of "parchment (lit., "skin"), leather and [bricks]" where the Elamite text has "clay tablets" (lit., "crude bricks") and "leather"⁴⁷, Hinz limited himself to the

loc. cit., pp. 47 f. sub 1-3, were found not only at Babylon but also at Susa. (Cf. further the inscribed bricks of Nebuchadnezzar's second successor published in *IR* 8, No. 5 and in *Mitteilungen der Deutschen Orient-Gesellschaft*, No. 44, 1910, p. 26.) To be sure, a hasty remark of Herzfeld (*loc. cit.*, pp. 14 f.; cf. its subsequent modification in *Archaeologische Mitteilungen aus Iran* IV, 1932, p. 119, note 1) induced Schaefer, *Sitzungsberichte der Preussischen Akademie der Wissenschaften, Phil.-Hist. Klasse* 1931, p. 642 to see in this second inscription of Cyrus, as well as in the other Old Persian inscriptions beginning "unmittelbar mit dem Herrschernamen, ohne das davorgestellte *adam* 'ich' ", not a building inscription but a "Bildbeischrift". But the fact that those gold and silver plates of Darius I which were found *in situ* at both Persepolis and Ecbatana begin likewise with the name and title of the ruler who had them made shows how precarious it is to define such texts as identifying inscriptions and labels attached to "portraits of some kind" and the like, as was done by Kent, *JAOS* 66, 1946, pp. 208 f. even after Schaefer, *Sitzungsberichte der Preuss. Akad., Phil.-Hist. Klasse* 1935, pp. 494 f. revised his earlier views at least insofar as Darius' metal inscriptions are concerned. Kent's classification and evaluation of those inscriptions is, in fact, all the less convincing since the foundation documents from Aššur published by Schroeder, *op. cit.*, pp. 21 ff. include golden tablets bearing typical building inscriptions that begin with the name and title of Assyrian kings such as Šulmānu-ašarid I and Tukulti-Ninurta I. Hence we can but agree with Weissbach who, with reference to Darius' gold inscriptions, remarked as early as 1927 in *Zeitschrift für Assyriologie* 37, p. 291, note 1 "Interessant ist die Analogie mit der goldenen und der silbernen Bauinschrift Sargons II."

⁴⁶ Published by Herzfeld, *Altpersische Inschriften*, pp. 2 f. sub 3.

⁴⁷ Cf. above, p. 174, note 20.

observation "Dass die Reihenfolge der aufgezählten Schreibmaterialien im Altpersischen und Elamischen nicht die gleiche ist, braucht keine Bedenken zu erwecken, da bei Aufzählungen solche Umstellungen in der Behistun-Inscript auch anderswo bezeugt sind, z. B. im Absatz 32, wo" ⁴⁸. But as the extant Persian version obviously calls for special consideration even in those instances in which the translations, being based upon a fuller Persian original ⁴⁹, have a plus (in the section here under examination this plus consisting in the above-cited "in other ways" and "which previously did not exist"), we can hardly help attributing some significance to the fact that parchment and leather figure so prominently in the Persian text. In other words, from Hinz's reading *utā pawastāy[ā] utā čarmā* it results that the Persian *Vorlage* of "Bisutun I" laid a certain stress on the existence of copies of the main body of DB which were written on materials previously not used when an Achaemenian's accomplishments were perpetuated in the Aryan language. As these writing materials are identical with those which were since early times in use where the peoples of the Fertile Crescent resorted to the so-called Phoenician alphabet ⁵⁰, one wonders why Hinz decided to ignore the pertinent arguments of Herzfeld, first advanced in his doctoral dissertation on "Pasargadae" ⁵¹, who held that the reference in "Bisutun I" to leather and the context in which it occurs establish the *terminus a quo* of the use by the Persians of the "in Babylonien geübte aramäische Schrift".

To treat Herzfeld's relevant remarks as non-existent is, in fact, all the less justified since, unlike Hinz's above-discussed thesis, his conclusion is not incompatible with well-established data such as the use of the Old Persian cuneiform script at the time of Darius' predecessors or, for that matter, the fact, men-

⁴⁸ *Loc. cit.*, p. 35.

⁴⁹ For evidence to this effect see above, p. 179.

⁵⁰ For the data relating to the use of leather and parchment as writing materials by the ancient Semites and their neighbors see now G. R. Driver, *Semitic Writing*, London 1948, pp. 16 f.; 81 ff.; 122. See also below, p. 192, note 99.

⁵¹ *Klio* 8, 1908, pp. 66 f.

tioned in the Bible⁵², that Darius' administrative officers located at Ecbatana a scroll, i. e. a document in Aramaic, which recorded an action taken by Cyrus in 538 B. C.⁵³ Moreover, from Herzfeld's subsequent observations as to the genesis of an obvious mistake in the Babylonian version of the Elvend Inscriptions⁵⁴, it resulted that Darius' secretarial personnel actually included men who wrote Old Persian with Aramaic characters. Since, finally, Alt-heim⁵⁵ succeeded in demonstrating that the supposedly Aramaic inscription beneath Darius' tomb is Old Persian and concerns Artaxerxes I and his ancestors, it is also beyond reasonable doubt that the method of writing adopted at the time of Darius' accession to the throne continued to be in use under his successors.

A weighty additional reason for concluding, with Herzfeld, that DB §70 and "Bisutun I" relate to the writing of Old Persian with Aramaic characters is furnished by one of the apocryphal "Letters of Themistocles"⁵⁶, the relevancy of which to the prob-

⁵² Ezra 6.1 ff.

⁵³ On the details, including the definition of the document as *dīkrōnā* "memorandum", and, particularly, on the reasons for which the event related in Ezra 6.1 f. can and must be regarded as a historical fact, see Ed. Meyer, *op. cit.*, [see above, p. 171, note 11], pp. 46-49 and, more recently, Schaefer, *op. cit.*, pp. 23 ff. As for the reference in Ezra 5.17 to the place where the document was supposed to have been deposited, see Bauer and Leander, *Grammatik des Biblisch-Aramäischen*, Halle 1927, p. 356 sub e.

⁵⁴ As stated in detail in his *Archaeological History of Iran*, London 1935, p. 48 (see also his *Altpersische Inschriften*, pp. 152; 269 f. and *Archaeologische Mitteilungen aus Iran* 8, 1937, p. 13), Herzfeld realized that the perplexing occurrence in §1 of *maḥ-ru-tu* (= Old Persian **parvanām* "of the former") instead of *ma-du-tu* (= Old Persian *parūnām*; var. *paruvnām* "of the many") can reasonably be attributed to a translator who erred in interpreting the ambiguous פרנום (or פרונאם?). It is interesting to note (1) that this mistake figures twice in Darius' Elvend Inscription but only once in the inscription which his son had engraved at the same locality and (2) that it does not recur in any of the numerous cognate passages in the other inscriptions of either Darius and Xerxes or Artaxerxes I. For an attempt to explain this latter fact see Herzfeld, *Altpersische Inschriften*, p. 270.

⁵⁵ *Weltgeschichte Asiens im griechischen Zeitalter*, I, Halle 1947, pp. 37 ff. (= *Festschrift Otto Eissfeldt*, Halle 1947, pp. 42 ff.); *Literatur und Gesellschaft im ausgehenden Altertum* II, Halle 1950, p. 215. See also Herzfeld, *Archaeological History of Iran*, p. 48 and Cameron, *op. cit.*, p. 29.

⁵⁶ *Epistolographi Graeci*, rec. R. Hercher, Parisiis 1873, p. 762, No. 21.

lem here under discussion was stressed by Weissbach⁵⁷ and, to a lesser degree, by his opponent, Herzfeld⁵⁸. According to that late but by no means negligible source⁵⁹, Themistocles communicated to Temenidas his wish to obtain several vessels of silver and gold ἐφ' οἷς ἐπιγέγραπται τὰ Ἀσσύρια τὰ παλαιὰ γράμματα, οὐχ ἂν Δαρεῖος ὁ πατήρ Ξέρξου Πέρσαις ἐναγχος ἔγραψε. Taking it for granted that Ἀσσύρια γράμματα means always as much as "cuneiform characters", Weissbach was convinced that the words "not those which Darius, the father of Xerxes, recently sanctioned⁶⁰ for the Persians" allude to the invention of the Old Persian cuneiform script⁶¹; moreover, in view of the preceding τὰ Ἀσσύρια τὰ παλαιὰ γράμματα, and because the ancients praised Themistocles' knowledge of the Persian language, he argued that the exiled Athenian must have been so learned in the field of Assyriology as to be able to distinguish between the Old Persian and the older Akkadian cuneiform script.⁶² However, it must be noted that, at least from the lexical point of view, the expression Ἀσσύρια γράμματα is unquestionably the equivalent of the Hebrew term *klāḇ 'aššūrî*⁶³,

⁵⁷ ZDMG 48, 1894, p. 664; *Die Keilinschriften der Achämeniden*, p. LXII.

⁵⁸ Klio 8, 1908, pp. 66 f.

⁵⁹ On the fact that, being based on excellent information, these letters include valuable data which in some cases are not preserved elsewhere, see von Wilamowitz-Moellendorf, *Aristoteles und Athen*, I, Berlin 1893, p. 144, n. 37 and p. 152; A. Bauer, *Die Forschungen zur Griechischen Geschichte 1888-1898*, München 1899, p. 338. See also Ed. Meyer, *Geschichte des Altertums*, III, p. 523, as against the biased remark in the same author's more recent *Papyrusfund von Elephantine*, p. 100, note 3. Biased were also the invectives of Nöldeke, *Hermes* 5, 1871, p. 454 with note 1; we wonder, indeed, whether Nöldeke would have dared to express himself in this way had he been acquainted with "Bisutun I" and DB §70.

⁶⁰ Or "prescribed". The view of Weissbach, ZDMG 48, 1894, p. 664 that Πέρσαις ἔγραψε means as much as "taught the Persians" is hardly tenable.

⁶¹ See also above, p. 170, note 4.

⁶² To judge from a reference of Bauer (*loc. cit.*), this strange view was shared or, rather, anticipated by Savelli whose book *L'epistolario Temistocliano* (Spezia 1895) I was unable to secure.

⁶³ On the Rabbinic sources which use this term and which, in agreement with the statements of the church-fathers, attribute if not to his initiative and influence to Ezra's time the adoption by the Jews of the "Assyrian" script,

which designates the more or less cursive script found, *inter alia*, on the Aramaic clay tablets of the seventh century which have been excavated at Aššur and Nineveh.⁶⁴ Hence we are confronted with the question as to whether, like the Jews, well-informed Greeks distinguished the older West Semitic script (in agreement with Herodotus' terminology⁶⁵, now commonly called "Phoenician") from that cursive script and designated the latter as Assyrian. The answer to this question imposes itself if we turn to Thucydides' account of the interception in 425 B. C. of a Persian envoy whose dispatches the Athenians translated *ἐκ τῶν Ἀσσυρίων γραμμάτων*, thus learning the contents of the messages which Artaxerxes wished to convey to the Lacedaemonians.⁶⁶ For whereas it was certainly not particularly difficult to find at Athens people from Asia Minor who were familiar with the Persian and the Aramaic language as well as with the Aramaic script⁶⁷ and thus to obtain a translation of the intercepted documents, the Athenians and their allies cannot reasonably be supposed to have had at their disposal men capable of reading Assyrian or Persian cuneiform script⁶⁸; nor can we admit that the secretaries of a king who, as mentioned before, left at Naqš-i-Rustam an Old Persian inscription in Aramaic characters are likely to have used cuneiform script when writing to Sparta. Thus it appears that the Greek term here under discussion

see, *inter al.*, Wellhausen *apud* Bleek, *Einleitung in das Alte Testament*, Berlin 1886, pp. 580 ff. and Lidzbarski, *Handbuch der Nordsemitischen Epigraphik*, I, Weimar 1898, pp. 189 f.

⁶⁴ Cf. below, p. 189, note 77.

⁶⁵ See V 58: Φοινικῆα γράμματα.

⁶⁶ See Thuc. IV 50: καὶ αὐτοῦ [i. e. the Persian Artaphernes] κομισθέντος οἱ Ἀθηναῖοι τὰς μὲν ἐπιστολάς μεταγραφάμενοι ἐκ τῶν Ἀσσυρίων γραμμάτων ἀνέγνωσαν ἐν αἷς πολλῶν ἄλλων γεγραμμένων κεφάλαιον ἦν

⁶⁷ That many a Greek who lived within, or hailed from, the Persian orbit knew Persian is not only self-evident but is confirmed, *inter alia*, by Herodotus VI 29. Moreover, the existence in Asia Minor of bilingual Greek-Aramaic inscriptions makes it fairly certain that there lived people familiar with both the Greek and the Aramaic script and language.

⁶⁸ To assume that any Greek contemporary of Thucydides read either of the two scripts is all the more impossible since, as is well known, Asia Minor is not among the lands in which the Achaemenians left cuneiform inscriptions.

denotes not only the cuneiform scripts but — in agreement with the meaning of the postbiblical Hebrew term *ktav* 'aššūrī — also the alphabetic characters in use among the Aramaeans of Assyria.⁶⁹ On the other hand, it is well established that (to say nothing of the golden tablets bearing inscriptions of Ariaramnes and Arsames) cuneiform inscriptions existed at Pasargadae prior to Darius' accession to the throne.⁷⁰ In these circumstances, there remains no doubt about the significance of the Greek source which, in mentioning the Persians, distinguishes between two sorts of "Assyrian" script and attributes the introduction of the younger of the two to Darius I: it clearly implies that, according to the information available to the Greeks (who, for obvious reasons, could not fail to take cognizance of such an event), the Aramaic script which, being by far simpler than the Old Persian, Babylonian and Elamite cuneiform systems of writing used in the

⁶⁹ This is the place to mention two interesting references to 'Ασσύρια γράμματα which occur in Herodotus' report on Darius' expedition against the Scythians. As will be recalled, the Halicarnassian records here (IV 87) that the king *στήλας ἔστησε δύο ἐπ' αὐτῷ* [i. e. on the shore of the Bosphorus] *λίθου λευκοῦ, ἐνταμὼν γράμματα ἐς μὲν τὴν 'Ασσύρια, ἐς δὲ τὴν 'Ελληνικά, ἔθνεα πάντα ὅσα περ ἦγε' ἦγε δὲ πάντα τῶν ἦρχε.* (As for the implications of the concluding words of this passage, see Meyer, *op. cit.*, III, p. 29.) After some remarks on the composition and the strength of the Persian forces with which we are not concerned, Herodotus reverts to those stelae and tells us that the Byzantines removed them to their city and used them for the construction of an altar; he adds the detail that one block covered with Assyrian signs (*γραμμάτων 'Ασσυρίων πλέος*) was left behind and lay near the temple of Dionysus at Byzantium. Meyer (*loc. cit.*), in whose opinion Herodotus inspected that block, considers it a matter of course that its "Assyrian" script was cuneiform. But the afore-mentioned fact that neither the usual trilingual inscriptions nor any other cuneiform monument of Achæmenian origin has so far been found in Western Asia Minor calls for some caution. Moreover, it seems quite possible (1) that Herodotus, who knew neither Aramaic nor Persian (as for the latter fact, see Meyer, *Forschungen zur Alten Geschichte*, I, Halle 1892, pp. 194 f.), reproduces merely what he was told by some Byzantine and (2) that in his day the Byzantines meant by "Assyrian signs" the same as Thucydides, namely the Aramaic characters; as they were Persian subjects, the people of Byzantium may, in fact, be deemed not only to have known what their Oriental contemporaries denoted as Assyrian signs but also to have adopted their relevant terminology.

⁷⁰ Cf. above, pp. 180 ff.

trilingual inscriptions of the Achaemenians, could easily be mastered by strangers became around 500 B. C. the script of the Persian chancellery. In the light of this result of a re-examination of the Greek sources we are obviously entitled to subscribe to the afore-cited observation of Herzfeld⁷¹, and, furthermore, to insist upon the conclusion, already intimated in the preceding pages, that the data contained in DB §70 and "Bisutun I" characterize the "Aryan" version of Darius' *res gestae* as the first document ever recorded not only in the Old Persian cuneiform script but also by means of the characters used by the Aramaeans.

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Schaeder, the foremost representative of the few savants who discussed (and rejected) Herzfeld's interpretation of "Bisutun I", dismissed it mainly because it seemed impossible to him that "Dareios gleichzeitig z w e i neue Schriftsysteme: eins in aramäischer Schrift und Sprache, das andere in aramäischer Schrift und persischer Sprache eingeführt, aber in der [Bisutun] Inschrift nur das zweite erwähnt hätte".⁷² This argument is based upon the unproved supposition that Darius was the first monarch in whose world empire Aramaic — or, as Schaeder puts it, "das Reichsaramäische" — served as an official language of the royal administration.⁷³ In order to demonstrate the untenability of this assumption it would almost suffice to recall (1) that quite a few Late Assyrian documents mention clerics defined as A.BA *Ar-ma-a-a* "Aramaean scribes"⁷⁴, (2) that,

⁷¹ As for Herzfeld's additional remark in which he boldly designated the alphabetic system of writing used by Darius' secretaries as "die Mutter des Pehlewi", see below, pp. 202 ff.

⁷² *Op. cit.*, p. 94.

⁷³ Cf. above, p. 172, note 13 where we mentioned that Schaeder even goes so far as to assert that since Darius' reign no other language was used in the Persian chancelleries.

⁷⁴ As for the variant *Ar-ma-a-a*, see especially the list of dignitaries K. 4395 (II R 31, No. 5) in which the ^{amēl}A.BA ^{māl}*Ar-ma-a-a* figures immediately after the ^{amēl}A.BA ^{māl}*Aššur-a-a*. On A.BA = *tupšarru* "scribe" see Delitzsch, *Beiträge zur Assyriologie* I, 1889, p. 218 and cf. col. III, l. 39 of the so-called

as shown by the titles ^{amēl}A.BA *ēkalli*⁷⁵ ^{amēl}*Ar-ma-a-a* "Aramaean scribe of the government"⁷⁶ and ^{amēl}A.BA ^{māt}*Ar-ma-a-a ša* (?) *mār šarri* "Aramaean scribe of the king's son"⁷⁷, such clerics were royal officials⁷⁸ and (3) that K.11444⁷⁹, one of those well-known

Brussels Vocabulary: A.BA: *tup-šar-ri*. It is pertinent to mention that both the A.BA and the "chief A.BA" (GAL A.BA) appear repeatedly among the astronomically schooled officials charged with the observation of the skies and the astrological interpretation of the celestial phenomena; cf. Behrens, *Assyrisch-babylonische Briefe kultischen Inhalts aus der Sargonidenzeit*, Leipzig 1906, p. 9, note 5 and R. C. Thompson, *The Reports of the Magicians and Astrologers of Nineveh and Babylon in the British Museum*, II, London 1900, p. 129 s. v. *rabū*. This shows that "scribe" is not always an adequate rendering of A.BA. Since, furthermore, Delitzsch, *loc. cit.*, p. 218 may well have been right in regarding A.BA as an ideogram which owes its origin to "einem gut-semitischen Wort", it is hardly too daring to define A.BA as a pseudo-ideographic rendering of the Aramaic term 'abbā "father" which, as is well known, serves in the post-biblical Jewish sources as a respectful designation of a "savant" or "Schriftgelehrter". If this is correct, A.BA is in the last analysis a variant of the pseudo-ideogram which appears in Late Assyrian and Neo-Babylonian texts in the expressions AB.BA^{MEŠ} *māti* "the elders of the country" and ^{awēl}AB.BA^{MEŠ} *ālī* "the elders of the city". (For a different view according to which both *a-ba* and *ab-ba* are genuine Sumerian words, see Delitzsch, *Sumerisches Glossar*, Leipzig 1914, p. 4.)

⁷⁵ KUR.

⁷⁶ See ll. 14 f. of K. 300 (published by Johns, *Assyrian Deeds and Documents*², I, Cambridge 1924, No. 179; transliterated and translated by Kohler and Ungnad, *Assyrische Rechtsurkunden*, Leipzig 1913, No. 473).

⁷⁷ See l. 26 of K. 426 (Johns, *op. cit.*, I, No. 385; Kohler und Ungnad, *op. cit.*, No. 194) and note that "the king's son" (*bar malkā*), i. e. "the crown prince", figures as creditor of loans not only in bilingual texts inscribed upon triangular clay tablets (frequently, though inappropriately, designated as "bullae") such as 81-2-4, 147 and K. 3784 (latest transliterations and translations by Kohler und Ungnad, *op. cit.*, Nos. 313 and 327) but also in two unilingual Aramaic contracts, likewise from Nineveh, of the same triangular form (K. 3785 and Rm 909; see below, note 80). Since 81-2-4, 147 and K. 3785 date from 682 and 674 B. C., respectively, there remains no doubt that, in the seventh century, Assyrian royalty actually employed Aramaic scribes.

⁷⁸ For further references to male and female Aramaic scribes designated as A.BA see Johns, *op. cit.*, II, Cambridge 1901, p. 109 and IV, Cambridge 1923, p. 241 where *Armaite* should read *Ar-ma-[a-a-te]*.

⁷⁹ Published by Knudtzon, *Assyrische Gebete an den Sonnengott*, Leipzig 1893, No. 109; as for the passage here to be quoted, see especially Schiffer, *Die Aramäer*, Leipzig 1911, p. 40.

queries which the Assyrian kings of the seventh century were wont to address to the sun-god, points in the same direction by mentioning, in addition to other officials, Assyrian as well as Aramaic scribes.⁸⁰ In fact, thanks to the relevant investigations of Johns⁸¹, Messerschmidt⁸², Streck⁸³, Schiffer⁸⁴, Unger⁸⁵, Breasted⁸⁶, Dougherty⁸⁷ and Thureau-Dangin⁸⁸, almost all of whom supplemented the data furnished by the cuneiform inscriptions by the evidence to be gathered from the reliefs of Tiglath-Pileser III⁸⁹, Sargon⁹⁰ and Sennacherib⁹¹, from a wall-painting⁹² and from the weights bearing the names of Tiglath-Pileser III and his next successors⁹³, there is no doubt that, to

⁸⁰ See I. 9: [lu-ú ^{am2}tupšarrē^MEŠ Aš-šur^{KI}-a-a lu-ú ^{am2}tupšarrē^{MEŠ} Ār-ma-a-a. Perhaps it should be expressly stated that the term *tupšarru* *Armāja* does not amount to a *contradictio in adjecto*. For triangular clay tablets bearing no cuneiform inscriptions but only contracts in Aramaic and dated to the seventh century (cf. above, note 77) were excavated at Nineveh (K. 3785; Rm. 909; 81-2-4, 148; Rm 188; D.T. 88; for a full discussion and the pertinent literature see Schiffer, *op. cit.*, p. 181 sub 25 and, especially, Delaporte, *Épigraphes araméens*, Paris 1912, pp. 42 ff.), at Aššur (see Lidzbarski, *Allaramäische Urkunden aus Assur*, Leipzig 1921, pp. 15 ff. and pl. II) and at Guzana/Tell Halaf (see Friedrich in *Archiv für Orientforschung*, Beiheft 6, Berlin 1940, pp. 70 ff. and pl. 30 f.).

⁸¹ *Op. cit.*, II, p. 109. (On the chief-scribe Aššur-rēšūa see Tallqvist, *Assyrian Personal Names*, Helsingfors 1914, p. 45.)

⁸² *Orientalistische Literaturzeitung* 9, 1906, col. 187 ff.

⁸³ *Klio* 6, 1906, pp. 219 ff.

⁸⁴ *Op. cit.*, pp. 36 ff.

⁸⁵ *Babylonisches Schrifttum*, Leipzig 1921, p. 5.

⁸⁶ *AJSL* 32, 1915-16, pp. 241 ff.

⁸⁷ *JAOS* 48, 1928, pp. 128 ff.

⁸⁸ See Thureau-Dangin et Dunand, *Til-Barsib*, Paris 1936, pp. 54 f.

⁸⁹ Thus against Driver, *op. cit.*, pl. 23 A; cf., *inter al.*, Messerschmidt, *loc. cit.*, col. 188; Thureau-Dangin, *op. cit.*, p. 56.

⁹⁰ Cf. Breasted, *loc. cit.*, p. 246, note 1.

⁹¹ Cf. Driver, *op. cit.*, pl. 23 B and 24 (the lower register of 24 gives but an enlarged view of the representation found on 23 B!). For additional reliefs of Sennacherib which illustrate the usual cooperation of an Assyrian and an Aramaic scribe see Gadd, *The Stones of Assyria*, London 1936, pl. 13-14 and, especially, Breasted, *loc. cit.*, p. 246, n. 1.

⁹² See Thureau-Dangin, *op. cit.*, pp. 54 and plate L.

⁹³ As for the details concerning the inscribed weights, see especially Johns, *op. cit.*, II, pp. 255 ff. sub 294 ff. Driver's remark concerning the date

quote Dougherty, *loc. cit.*, p. 130, "two sorts of scribes, one practised in the art of indenting cuneiform inscriptions and one skilled in the writing of Aramaic documents, enjoyed equal prestige during the last two centuries of Assyrian history." Moreover, Dougherty's detailed discussion of contracts and letters covering the period from Nebuchadnezzar to the Seleucids (*loc. cit.*, pp. 110–128) has established that the same conclusion must be drawn in respect to the Neo-Babylonian Empire, even though the relevant terminology of the documents examined by Dougherty differs from that of the Neo-Assyrian sources just quoted. It is true, Eilers and a few other scholars were not convinced of the conclusiveness of the data in view of which Dougherty combined the pseudo-ideogram ^{awēl}SE.PIR⁹⁴ and its phonetic variant writings ^{awēl}se-pi-ru and ^{awēl}se-pir-ri with Hebrew *sōfēr* "scribe," "savant" and defined *sepīrru* < *sepīru*⁹⁵ as the Neo-Babylonian designation of the scribe who wrote on parchment in Aramaic.⁹⁶ But Dougherty's critics, one of whom

of the bilingual weights (*op. cit.*, p. 122) is incorrect; as was clearly stated by Johns and other savants, several weights with Aramaic legends mention, in their Assyrian inscriptions, Šulmānu-ašarid V (727–722 B. C.).

⁹⁴ As will be seen presently, this transliteration is preferable to Dougherty's SI.PIR or *si-pir*.

⁹⁵ That *sepīrru* stands for *sepīru* was taken for granted by Dougherty, *loc. cit.*, p. 124 as well as by Ungnad (see below, note 97) and Meissner (see presently, note 96). As for examples of quantitative metathesis in the light of which it is, in fact, obvious that *sepīrru* supplanted *sepīru*, see J. Lewy, *Orientalia* 15, 1946, p. 362, note 4.

⁹⁶ Eilers' discussion of the views of Dougherty is found in *Orientalistische Literaturzeitung* 34, 1931, col. 931 ff. Less pronounced in his criticism of Dougherty was Landsberger who, in a private communication cited by Schaefer, *Ezra der Schreiber*, Tübingen 1930, p. 39, note 2, defined "*sepīru*" as a "Lehnwort aus dem Aramäischen (*sāprā*, wobei die Erklärung für den Wandel des Vokals der ersten Silbe noch offen bleibt)." The obvious weakness of this somewhat evasive statement was noted by Meissner, *Deutsche Literaturzeitung* 59, 1938, col. 912 who, while abstaining from any criticism of an erroneous conclusion of Ungnad (see presently), expressed himself as follows: "Die Schreibung *siṣīru* mit langem Vokal in der Pānultima zeigt, dass Landsbergers Vermutung, *siṣīru* sei ein Lehnwort aus aramäischem *sāphrā*, unrichtig ist." As for Meissner's subsequent contention (in *Sitzungsberichte der Preussischen Akademie der Wissenschaften, Phil.-Hist. Klasse* 1938, p. 20, note 1)

even boldly asserted that ^{awēl}A.KIN, i. e. the well-known ideogram for *mār šipri* "messenger", expressed the same notion as ^{awēl}*se-pir*⁹⁷, unduly stressed the fact, admitted by Dougherty⁹⁸, that the alternate use of the terms ^{awēl}*se-pir* and ^{awēl}KUŠ.SAR "skin-writer", "parchment-writer" occurs but as late as the time of Seleucus IV and his successors⁹⁹. In addition, they did not see (I) that Neo-Babylonian *se-pir* < **sapir*¹⁰⁰ and Syriac *sfir*

that the identification proposed by Landsberger be also precluded by the quality of the first vowel of the Babylonian term, see presently, p. 192 with note 100.

⁹⁷ This assertion is found on pp. 139 and 155 of Ungnad's *Glossar* (Leipzig 1937). Its basis is the conjecture that a certain ^{md}*Nabū-kēna-ušur* ^{awēl}*se-pi-ri* šá ^{md}*Bēl-šarra-ušur* *mār šarri* (Nbn. 184, 4 f.) is the same person as ^{md}*Nabū* [.] *aplū* šá ^m*Tāb-šār-Ēsagil* ^{awēl}A.KIN šá ^{awēl}*mār šarri* (VS VI 70, 2 f.). Even if this should be so, the comparison of the two passages does not justify Ungnad's contention. For it is self-evident that one and the same individual could be employed as both *sepirru* and *mār šipri*; moreover, as duly observed by Dougherty, *loc. cit.*, p. 117, the text Nbn. 478 consists in a contract from the tenth year of Nabū-nā'id which, in referring to one ^{md}*Ištar-aḫ-iddin* ^{awēl}*se-pi-ri* ^{awēl}*mār šip-ri* šá ^m*Mu-še-zib-d* *Nabū* contrasts the two professional names, thus actually acquainting us with a man who held simultaneously the two offices. Unnecessary to emphasize that Ungnad identified the titles ^{awēl}A.KIN and ^{awēl}*se-pi-ru* without being able to disprove the validity of the equation ^{awēl}A.KIN = *mār šipri*. Hence he contradicted himself in continuing to see in the *mār šipri* a "Bote" or "Mittelsmann", while rendering ^{awēl}*se-pi-ru* as "Rendant". As we shall presently find, this free translation of the latter term is adequate only in those instances in which a *sepirru* was charged with the administration of temple property or the like. See also San Nicolò, *Orientalia* 18, 1949, pp. 290 ff.

⁹⁸ *Loc. cit.*, pp. 110 f.

⁹⁹ The relative insignificance of the fact that the definition of the ^{awēl}*se-pir* as "parchment-writer" (^{awēl}KUŠ.SAR, as opposed to ^{awēl}DUB.SAR = *tuṣšarru* "tablet-writer") does not occur in pre-Seleucid times is revealed by the ductus of the well-known Aramaic annotations to the Assyrian and Babylonian documents of the preceding centuries as well as by the ductus of the Aramaic texts preserved on the afore-mentioned triangular clay tablets of the seventh century (see above, pp. 189 f., notes 77 and 80). For, as intimated by Dougherty, *loc. cit.*, p. 131, the pronounced cursive character of those inscriptions proves that, as early as the seventh century, Assyria's and Babylonia's Aramaic scribes possessed a facility with the pen which could have been acquired only by long and constant experience in writing with ink on materials other than clay. See now also Friedrich, *loc. cit.*, p. 71 and Bowman, *JNES* 7, 1948, pp. 73 ff.

¹⁰⁰ Thus in the light of the rule first observed by Jensen, *Zeitschrift für*

“doctus”¹⁰¹ < **sāfir* < **sāpīr* can safely be assumed to go back to one and the same Old Aramaic *qatīl* noun **sāpīr*¹⁰², (2) that the meaning of Syriac *sfīr* permits us to define that Old Aramaic noun of the *qatīl* type as a synonym of the above-mentioned “Assyrian” *a-ba* “scribe”, “savant”¹⁰³ and its respective Aramaic and Hebrew synonyms **sāfir* < **sāpīr*¹⁰⁴ and *sōfēr* < **sāpīr*¹⁰⁵,

Assyriologie 5, 1890, p. 99 (see now also von Soden, *Grundriss der akkadischen Grammatik*, Roma 1952, §§ 9^b and 96^b) according to which Akkadian shifts the phonemes *sa*, *ša* and *ša* to *se*, *še* and *še*, respectively. To all appearances, it was unfamiliarity with this rule and with the above-mentioned law of quantitative metathesis which induced Eilers, *loc. cit.*, col. 931 to the unwarranted statements “Nun ist *sipīru* gar keine akkadische, ja überhaupt semitische Nominalform” and “Am ehesten könnte man noch *sēpīru* (wenig wahrscheinlich *sipīru*) lesen.”

¹⁰¹ On *sfīr* “doctus”, “literatus”, “peritus” and *sfīrē* “γραμματικοί” see Payne Smith, *Thesaurus Syriacus*, II, Oxonii 1901, pp. 2706 f. (On the occurrence of *sāfrā* with the meaning “doctus” see *ibidem*, p. 2708.)

¹⁰² It will be noted that in identifying Babylonian *sepīr* with the *qatīl* form underlying Syriac *sfīr* we are not exposed to the objection which, as already mentioned, was raised by Meissner against Landsberger’s above-cited proposal to identify *se-pi-ru* with Aramaic *sāfrā*.

¹⁰³ Cf. above, p. 188, note 74.

¹⁰⁴ That the status absolutus of Aramaic *sāfrā* was originally *sāfir* (and not *sāfar* as presumably in Biblical Aramaic and Egyptian Aramaic [cf. Cowley, *Aramaic Papyri of the Fifth Century B. C.*, Oxford 1923, p. 226; Schaefer, *op. cit.*, pp. 50 f.]), and that, accordingly, Aramaic *sāfrā* and Hebrew *sōfēr* represent one and the same Old West Semitic *qatīl* noun *sāpīr* (first attested as *spr* in Ugaritic texts) has been repeatedly noted; see especially Bauer and Leander, *op. cit.*, p. 190 who justly remark that *sāfar* owes its second *a*-vowel to the influence of the third radical. Cf. further Palestinian Aramaic *sāfer* and, particularly, Arabic *sāfir* which, with Horovitz, *Koranische Untersuchungen*, Berlin und Leipzig 1926, p. 68 and with the Arabian lexicographers (see Lane, *s. v.*), must be defined as an Aramaic loanword.

¹⁰⁵ Schaefer’s bold assertions concerning the origin of Hebrew (**sāpīr* >) *sōfēr* (see *op. cit.*, p. 39: ‘Es ist nicht eine selbständige Bildung von dem hebräischen Verbum *sāpar* “zählen”, sondern beruht auf Anpassung des akkadischen *šāpīru* “Schreiber” an kan. *spr*’) have no factual basis; for a term *šāpīru* “scribe” does not occur in the Akkadian literature. (That *šāpīru* means neither “scribe” nor “secretary” [thus Schaefer, *op. cit.*, p. 46] but “chief”, “leader”, “administrator” and the like is perhaps best shown by the stone inscriptions of Tukulti-Ninurta I, T 350 and T 788+790+806, which were published by Schroeder [*Keilschrifttexte aus Assur historischen Inhalts*, II, Leipzig 1922, No. 60] and Messerschmidt [*ibidem*, I, Leipzig 1911, No. 16]

(3) that the Babylonians who for many centuries had been wont to express the notion "scribe" by the term *tupšarru* would hardly

and translated by Luckenbill, *Ancient Records of Assyria and Babylonia*, I, Chicago 1926, pp. 56 ff. and 52 f., respectively. In ll. 34 ff. of T 350, Tukulti-Ninurta calls the rulers of several peoples whom he forced to recognize his overlordship *šarrāni*^{MES} *šā-pi-re-šu-nu*, "the kings, their leaders", and in ll. 11 ff. of T 788+790+806 he boasts to be *zēr be-lu-ti šā iš-tu ul-la-a šangūt-su-nu i-na ēkurri ū šā-pi-ru-su-nu i-na kiš-šat niše*^{MES} ^d*Enlil ū-šar-bu-ū*, "the offspring of rulers whose priesthood in the temple and leadership among the totality of the peoples Enlil caused to be great since days of old" [cf. Bezold, *Historische Keilschrifttexte aus Assur*, Heidelberg 1915, p. 32; J. Lewy, *Hebrew Union College Annual* XIX, 1946, pp. 472 f.]. See further the pertinent remarks of Ungnad, *Babylonische Briefe aus der Zeit der Hammurapi-Dynastie*, Leipzig 1914, p. 395; Walther, *Das altbabylonische Gerichtswesen*, Leipzig 1917, p. 145; Theo Bauer, *Zeitschrift für Assyriologie* 40, 1931, p. 250, note 2; Eilers, *loc. cit.*, col. 932 with note 3; San Nicolò, *Orientalia* 20, 1951, pp. 148 f.) As untenable as Schaefer's contention is the assertion of Driver, *op. cit.*, p. 62, note 4 that "DUB.SAR and *šapīr il-ki* 'administrator of taxes' are equated in a native syllabary". As the official designated as ŠĀ.TAM or *šatammu* is known to have been charged with the allotment of feudal estates (cf. Krückmann in *Reallexikon der Assyriologie*, I, Berlin und Leipzig 1932, p. 449), and as such estates used to be denoted as *ilku*, it does not require much consideration to see that the passage quoted by Driver deals with that officer, and not with a ***šapīr ilki* not attested elsewhere; unnecessary to add that a spelling *šā-pir* of the construct state of an Old Babylonian term ***šapīru* would be very strange.

As regards Schaefer's cavalier dismissal of the identification of the West Semitic roots *s - p - r* "to count" and *s - p - r* "to write" (on Syriac *šfar* "he wrote" see Nöldeke, *ZDMG* 54, 1900, p. 160), one wonders why it did not occur to him that, even in a primitive society, officials charged with counting persons or objects are *a priori* likely to put down in writing the results of their efforts. Thanks to the excavations at Uruk and a few other sites of Babylonia it is now possible to corroborate this consideration which Dougherty, *loc. cit.*, p. 114 formulated as follows: "The act of counting is primarily a mental process, but memory is fallible, and so there must be recourse to a written tally or record. Hence the secondary meanings of the verb [*s - p - r*] developed, with the result that ספּר came to mean 'scribe', and ספּר became a term for 'record', 'letter', 'book'." I refer to the significant circumstances in which numbers figure on the earliest records found in Babylonia. As was stated in detail by Falkenstein, *Archaische Texte aus Uruk*, Berlin 1936, pp. 30 ff., Driver, *op. cit.*, pp. 3 ff., Gelb, *A Study of Writing*, Chicago 1952, pp. 63 f., those records are, on the one hand, clay tablets inscribed with numbers, a personal name (?) after each number and a final entry mentioning a number of counted objects such as cattle and, on the other hand, clay labels (originally

have thought of adding to their vocabulary an Aramaic word for "scribe" if it had not become necessary to distinguish between administrative officials who continued to inscribe clay tablets with cuneiform characters and another class of secretaries who, because writing in Aramaic, could best be designated by an Aramaic title¹⁰⁶, and (4) that the ideogram ^{LÜ}A.BAL which, according to an observation made as early as 1916, alternates occasionally with ^{awēl}se-pi-ru¹⁰⁷ supports the identification of

attached to an object or a group of objects) which contain nothing more than a number and the impression of a seal cylinder obviously to be defined as the property mark of the person who owned or sent the objects. Thus there is evidence to the effect that the people of Babylonia were wont to use numerical marks indicating the result of a count of certain objects even prior to the time in which they learnt to draw the signs for the objects and to substitute written signs for the seals. In other words, the recording of numbers obtained by counting a number of objects antedates even the pictographic stage of writing. Hence it is certainly not suprising that in the languages of the Western Semites the notions "counting" and "writing" were conveyed by one and the same term *s - p - r*.

¹⁰⁶ At this point it must be emphasized that, while many of the scribes or secretaries so designated are likely to have been in the employ of Aramaic speaking merchants, many others were certainly in the service of the Neo-Babylonian kings. The earliest evidence to this effect comes from those well-known bricks from Babylon which are imprinted with cuneiform inscriptions naming Nebuchadnezzar as well as with Aramaic legends; cf. *inter alia*, Driver, *op. cit.*, pl. 17, No. 2; Koldewey, *Das wieder erstehende Babylon*, Leipzig 1913, fig. 52 f. Of even greater significance is the fact that the same king's prism inscription which was published by Unger, *Babylon* (Berlin und Leipzig 1931), pp. 282 ff. and pl. 52 ff. lists among "the grandees of the land of Akkad" whom it enumerates in col. III, 35 — IV, 19 not only a ^{awēl}tupšarru of the royal harem (col. IV, ll. 6 f.) but also a ^{awēl}se-pi-ri ša mār šarri (col. IV, l. 15).

¹⁰⁷ I refer to the occurrence of šá ^mZa-bi-in ^{awēl}šak-nu šá ^{awēl}A.BAL ^{MEŠ}šá ū-qu (CBS 5250, line 8) instead of šá ^mZa-bi-ni ^{awēl}šaknu šá ^{awēl}se-pi-ri-e šá ū-qu (CBS 12834, lines 4 and 9) to which Augapfel called attention in *Orientalistische Literaturzeitung* 19, 1916, col. 373 f. and in his monograph *Babylonische Rechtsurkunden aus der Regierungszeit Artaxerxes I. und Darius II.*, Wien 1917, p. 45. See further San Nicolò, *Orientalia* 18, 1949, p. 291, note 5 who not only listed additional passages bearing upon this subject but also emphasized the fact that both CBS 5250 and CBS 12834 date from 423/22 B. C., thus implying that the alternate use of ^{awēl}sepīru and ^{awēl}A.BAL belongs in an earlier period than the above-mentioned habit of designating the ^{awēl}se-pir as ^{awēl}KUŠ.SAR. In addition, he noted very appropriately that the ^{awēl}sepīrē ša uqu might well correspond to the γραμματεῖς τῶν δυνάμεων.

Neo-Babylonian *sepīru* and Syriac *šfīr* "savant", "γραμματικός" because it is likely to characterize the *sepīru* as capable of reading and interpreting reports written in a language other than Babylonian.¹⁰⁸ The legitimacy of our re-interpretation of the

¹⁰⁸ As evidence to this effect, I recall the following data: (1) A vocabulary equates Sumerian *a* with Akkadian *iš-ra-tu* i. e. "drawings" or the like (cf. Deimel, *Šumerisches Lexikon*, No. 579, 14). (2) Old Assyrian texts such as CCT 33^b (l. 2), CCT 37^b (l. 2), KTS 57^c (l. 2), BIN IV 112 (l. 14), ICK 13 (l. 26), VAT 9222 (see ll. 20 ff.: *šubāh^{H1} ti-a a-na ēkallim^{lim} 21 ū-še-li-ma i-šū-ur-tám 22 ēkallum^{lám} a-dī-ni lá i-di-nam*), VAT 13514 (see ll. 12 ff.: *mā-ma a-nim 13 a-na ši-mā-im 14 ēkallum^{lám} ūl⁵-qī 15 kašpum i-na li-bi-ā 16 ēkallim^{lim} 17 i-šū-ur-tám 18 ša šubātī^{H1.A} ū-kā-al 19 ša annikim lá ū-kā-al*) designate as *išurtum* (plural: *išrātum*) documents relating to goods sold by Assyrians to non-Assyrian princes and their servants, thus strongly suggesting that *išurtum* was used as a technical term for records written, or to be written, in a foreign language and script (cf. Landsberger, *Sam'al*, Ankara 1948, p. 109, note 258 *in fine*). (3) Sumerian *bal* (Deimel, *op. cit.*, No. 9) expresses, *inter alia*, the notions "to speak" (*dabābu*) and "to interpret" (*pašāru*). When combining these data, one is led to the conclusion, already intimated above, that ^{L^U}A.BAL denoted functionaries charged with the task of reading aloud and interpreting reports emanating from Aramaeans and other people who did not write in the traditional language and script of the Babylonians. As it is self-evident that, at least as far as Aramaic documents are concerned, the duties of the scribes in the Aramaic offices of the Neo-Babylonian and Persian Empires comprised just this task, it is, indeed, not surprising that, as we have seen in the preceding footnote, one and the same individuals were sometimes designated as ^{awēl}*se-pi-ri-e* and at other times as ^{awēl}A.BAL^{MEŠ}. Since, consequently, the activities of the ^{L^U}A.BAL seem to have included tasks similar to those of a *targumānum* (thus, according to CCT IV 29^b, lines 7 and 30 and BIN VI 193, line 1, in the Old Assyrian period; as for the insignificant variant forms of the term which occur in the younger periods, see Muss-Arnolt, *A Concise Dictionary of the Assyrian Language*, Berlin 1905, pp. 1191 f.), the question might be asked as to whether rev., l. 10 of the fragmentary vocabulary K. 2012 (published by Meissner, *Supplement zu den assyrischen Wörterbüchern*, Leiden 1898, pl. 4 and transliterated by the same author on p. 85 of his *Beiträge zum assyrischen Wörterbuch*, I, Chicago 1931) ought to be restored to [A].BAL: *tur-gu-man-nu*, and not to [I₅].BAL: *tur-gu-man-nu*, as proposed by Thureau-Dangin, *Revue d'Assyriologie* 11, 1914, pp. 154 f. However, this question can hardly be answered in the affirmative; for as demonstrated by Landsberger, *Zeitschrift für Assyriologie* 41, 1933, p. 190, there is evidence to make it probable that the ideogram dealt with in rev., ll. 9 f. of K. 2012 was actually I₅.BAL. Since I₅ means, above all, "mouth", "speech" and the like, it is perhaps not too daring to surmise that I₅.BAL (var. I₅.BAL.E) characterizes the *targumānum* as an

evidence presented by Dougherty is, in fact, manifest, on the one hand, because the conclusion as to the synonymy of the Old West Semitic terms **sāpīr* (>Aramaic *sāfar* and Hebrew *sōfēr*) and **sapīr* (>Neo-Babylonian *sepīr* and Syriac *sfīr*) is in line with the well-known co-existence and synonymy of *qātīl* and

interpreter of the spoken word, thus distinguishing him from the *sepīru*/L^UA.BAL who, as we have tried to show, was charged, *inter alia*, with the interpretation of written reports.

[Some weeks after the preceding remarks had been written, I received the fiftieth volume of *Zeitschrift für Assyriologie*, containing in pp. 203 ff. an article by Ebeling which deals in part with the subject here under discussion. I refer especially to p. 212 where we learn that, taking the ideogram L^UA.BAL as point of departure for a new definition of the tasks of the *sepīru*, Ebeling arrived likewise at the conclusion that Babylonian *sepīru* and Syriac *sfīrā* — he writes *sipīru* and *spīrā* — represent one and the same term. However, as indicated by his rendering “Übersetzer-(schreiber)”, he defines the *sepīru* as a “translator” rather than as a “scribe”, his reasoning being as follows: ‘a-bal ist anscheinend nichts anderes als eine Variante zu dem sumerischen Worte i₅-bal, welches akkadisch *na-pa-lum* und *tar-gu-man-nu*, d. i. “Dolmetscher, Übersetzer” ist, siehe Meissner, Suppl. pl. 4, K. 2012, Rs. 9 f. und RA XI S. 154, auch i₅-bal-e = *na-pa[-lu]* CT XIX 29, K. 5422. Die Umwandlung des i₅ in a erklärt sich aus dem Einfluss des akkadischen Wortes *apālu* (Stamm von *nāpalu*) “antworten”, hier spez. “übersetzen”. Nunmehr versteht man eine Längung der zweiten Silbe in *sipīru*.’ To say nothing of the obvious fact that the alleged identity of *a-bal* and *i₅-bal* does not bear upon the quality of the second vowel of the term *sepīru*, Ebeling’s arguments cannot be accepted because it is simply not true that K. 2012 (see above) and K. 5422 A [sic] equate [I₅].BAL and I₅.BAL.E with *na-pa-lum* and *na-pa[-lu]*, respectively. As clearly stated in Thureau-Dangin’s above-mentioned article (to which Ebeling refers without naming its author), K. 2012, rev., l. 9 and K. 5422 A, l. 8 read *na-pa-lu-u* and *na-pa[-lu-u]*, and the length of the final vowel of this term is corroborated by obv., l. 13 of AO 6458 where, as indicated by Thureau-Dangin, I₅.BAL corresponds to *na-pa-li-e*. To be sure, in consideration of *nāpaltum* “answer”, “explanation” and the paronomastic expression *nāpaltam apālum* (for references see J. Lewy, *Archives d’Histoire du Droit Oriental* 2, 1938, p. 131, note 3), it can safely be assumed that *nāpalū* designates a person who, by “responding to questions” or “granting demands” proves to be “responsive”, but it is difficult to see how this fact can be deemed to imply that the Babylonians substituted A.BAL for I₅.BAL merely because they were aware of the etymology of *nāpalū*. As long as Ebeling fails to demonstrate the existence of a term ***appālu* “responsive” which might account for a pseudo-ideogram ** A.PAL, we maintain, therefore, that the ideogram A.BAL and the Akkadian term *nāpalū* must be kept apart.]

qatīl nouns of identical roots¹⁰⁹, and, on the other hand, because the Late Babylonian ^{awēl}*se-pir makkūr*¹¹⁰ ^d*Anu* "clerc of the property of the god Anu"¹¹¹ had unquestionably the same task of an accountant as the *sōfēr* to whom Nehemiah entrusted the administration of the tithes delivered to the Yahweh temple of Jerusalem.¹¹²

As was already mentioned¹¹³, Aramaic scribes in the service of the son and heir presumptive of the king figure in documents dating from the reigns of both Nebuchadnezzar (605–562 B. C.) and Nabū-nā'id (556–539 B. C.).¹¹⁴ Since analogous references to the ^{awēl}*se-pi-ru ša mār šarri* occur in contracts from the fourth and fifth year of *Kuraš šarri Bābili šarri mātāte* (539–530 B. C.)¹¹⁵, and since officers designated as ^{awēl}*se-pir šā šarri* appear in records dated to the first full year (529/8 B. C.) of *Kambuzija šarri Bābili šarri mātāte*¹¹⁶, it is obvious that, as far as the Aramaic offices

¹⁰⁹ Cf. W. Wright, *A Grammar of the Arabic Language*³, I, Cambridge 1951, pp. 131 ff. and, especially, p. 136 sub B. As for the common origin of the nouns of the types *qatīl* and *qatīl*, see particularly Bauer und Leander, *Historische Grammatik der hebräischen Sprache*, Halle 1922, pp. 475 and 470, respectively.

¹¹⁰ NĠ.GA.

¹¹¹ For references see Schroeder, *Orientalistische Literaturzeitung* 19, 1916, col. 230 and Dougherty, *loc. cit.*, p. 111; as for earlier occurrences of the idiom *makkūr* ^d*X* "property of (the god) X", see Ungnad, *Glossar*, p. 88.

¹¹² That the *sōfēr* of Neh. 13.13 was not a "Schriftgelehrter" but a "secretary" or "clerc" was duly observed by Schaefer, *op. cit.*, p. 41, note 4 who also noted that his duties were obviously much the same as those of the *sāfrē 'ōšrā* figuring in an Aramaic papyrus from Elephantine. As instructive as the synonymy of the idioms ^{awēl}*se-pir makkūr* and *sāfrē 'ōšrā* is that of the titles ^{awēl}*se-pi-ri* (var.: ^{awēl}*se-pir*) *šā šarri* (for references ranging from the first year of Nabū-nā'id to the first year of Cambyses see Dougherty, *loc. cit.*, p. 126) and *sōfēr hammelek* (II Kings 12.11; cf. Esther 3.12: *sōfēr hammelek*).

¹¹³ See above, notes 97 and 106 and cf. further Dougherty, *loc. cit.*, p. 117.

¹¹⁴ On evidence to the effect that Nebuchadnezzar's son-in-law, Neriglissar (560–556 B. C.) employed such scribes both before and after his accession to the throne see Scheil, *Revue d'Assyriologie* 11, 1914, p. 174 and Dougherty, *loc. cit.*, p. 116 with note 40.

¹¹⁵ For the details and for a third relevant text, the exact date of which is unknown, see Dougherty, *loc. cit.*, pp. 118 f.

¹¹⁶ The pertinent passages were quoted by Dougherty, *loc. cit.*, p. 119. See also San Nicolò, *Beiträge zu einer Prosopographie neubabylonischer Beamten der Zivil- und Tempelverwaltung*, München 1941, p. 25 sub 37.

were concerned, the traditional administrative institutions of the Babylonian Empire were not adversely affected by the Persian conquest. On the contrary, as a contract from Cambyses' sixth year¹¹⁷ gives a bearer of the Babylonian name Aba-lumur the title ^{awēl}*se-pir-ri šā bēl pīḫati Mi-šir*, it appears that, being aware of the ascendancy of the Aramaic branch of the Babylonian administration¹¹⁸, Cambyses lost no time in extending it into regions which during the rule of his Babylonian predecessors did not belong to the Empire.¹¹⁹ The above-cited contention of

¹¹⁷ Published by Strassmaier, *Inschriften von Cambyses, König von Babylon*, Leipzig 1890, No. 344; cf. Dougherty, *loc. cit.*, p. 120.

¹¹⁸ Since, as shown by Hildegard Lewy, *Symbolae Hrozný*, II, 1949, pp. 67 ff. and *passim*, Nabū-nā'id made the greatest efforts to make Aramaean knowledge and tradition prevail in Babylonia, it is a fair assumption that during his reign Babylonia's Aramaic-writing officials had become more numerous and influential than ever before.

¹¹⁹ In consideration of the fact, recalled above, p. 184 with note 53, that the Bible quotes an official Aramaic record of a decree issued by Cyrus in 538 B. C., we may well suppose that Cambyses' policy in respect to the utilization of Aramaic-writing clerks had been initiated by his father. Since Elam's population included Aramaeans in the centuries before the rise of the Achae-menians and, especially, since, as was just mentioned, Aramaean tradition and learning flourished in Babylonia in the times immediately before Nabū-nā'id's fall, it is, in fact, unlikely that Cyrus and Cambyses had any difficulty in finding Aramaean personnel for newly created offices. Incidentally, as regards the administrative offices in the capital city of Media where, according to Ezra 6.2, Darius' clerks found the record concerning Cyrus' edict of 538 B. C., it seems quite possible that they were staffed with Aramaeans even before Cyrus dethroned Astyages. This possibility must all the more be taken into consideration since some Babylonians, whose whereabouts were the subject of an inquiry in Nebuchadnezzar's fourteenth year, are described as the sons and brothers of residents of Media in an official report published by Dougherty (*Goucher College Cuneiform Inscriptions*, New Haven 1933, No. 395; cf. its transliteration and translation by Ebeling, *Neubabylonische Briefe*, München 1949, No. 255). In line with the suggestions of Messina, *loc. cit.*, p. 93, it can also be assumed that even prior to the rise of the Achaemenians Aramaean traders went to write in their native tongue visited Media and Persia and thus transmitted to the one or the other Iranian some information about the Aramaic script. Needless to mention that other ways by which such information might have reached the Achaemenians as early as the seventh century are conceivable, for much as the fragmentary prism of Aššur-bān-apli published by Weidner, *Archiv für Orientforschung* 7, 1931-32, pp. 3 ff. (see also R. C. Thompson in *Annals of Archaeology and Anthropology* XX, 1933, p. 98:

Schaeder and others to the effect that Darius was the first Persian ruler to recognize the possibility and the advantages of organizing an Aramaic administration must therefore be rejected as incompatible with the historic facts. In other words, the evidence that Aramaic was the language of the Achaemenian government offices in Egypt as well as in many other provinces furnishes no argument against the conclusion, inherent in Herzfeld's above-cited old thesis of 1908, that "Bisutun I" and DB §70 record the realization of the idea of writing Old Persian with Aramaic characters.

It goes almost without saying that this idea resulted from the administrative conditions just described which made the Persian-speaking conquerors of the Babylonian Empire dependant upon Aramaean and Babylonian clerics who, in turn, had to familiarize themselves with the language of their new masters.¹²⁰ For in view of a situation in which every state document or incoming written report had to be explained to the governing circles in Persian, just as every order given by them had to be put down in Aramaic or Babylonian, the new rulers and their secretaries were of necessity confronted with the question as to whether it would not be possible to create a less complicated administrative system. In other words, the innovation of writing "Aryan" (with Aramaic signs and) on writing materials suited for an alphabetic script of which we hear in DB §70 and "Bisutun I" was not as revolutionary as it seemed to some savants of our times but was the

Cameron, *History of Early Iran*, Chicago 1936, p. 204) tells us that Cyrus I dispatched his eldest son to Nineveh in order to pay homage to the Assyrian king, some economical texts from Babylon (discussed by Weidner in *Mélanges syriens offerts à R. Dussaud*, II, Paris 1939, pp. 923 ff.; see also Ebeling, *op. cit.*, p. 182 sub Nr. 255) attest the presence at Nebuchadnezzar's court of Persians and Medes.

¹²⁰ This is the place to mention in passing that it would be naive to assume that, when taking Babylon in 539 B. C., the Persians found there nobody capable of dealing with them in their own language. In consideration of the numerous data which shed light on the history of diplomatic relations in the second and first millennium, it is obvious that the chancelleries of Nebuchadnezzar and his successors included officials who spoke the future conqueror's language. (On some Persians and Medes who lived as exiles [?] at Nebuchadnezzar's court, see above, note 119 *in fine*.)

logical outcome of the fact that the empire annexed by Cyrus in 539 possessed, in addition to its genuine Babylonian governmental institutions of old, a more recent and, nonetheless, highly developed administrative organisation staffed with Aramaic-writing personnel. In fact, we shall not err in surmising that it was an Aramaean who convinced Darius or his ministers of the advisability of using the Aramaic characters when writing Old Persian. For the Aramaean scribes in the service of Cyrus and his successors were certainly aware not only of the superiority over the syllabic cuneiform scripts of their simple alphabetic system of writing but also of the striking advantages resulting wherever different nations adopt one and the same alphabet.

The afore-mentioned inscription of Artaxerxes I at Naqš-e Rostam makes it virtually certain that, once conceived and officially approved, the new system of writing "Aryan", with Aramaic characters remained in use not only under Darius but also during the reigns of his successors.¹²¹ Since one of the Elamite Fortification Tablets from Persepolis, which cover the years 508-494 B. C.¹²², speaks of young Persians serving as translators¹²³, it can further be assumed that Darius made some efforts to have Persians trained in that kind of writing and thus to create a national administration which would no longer be compelled to rely exclusively on scribes whose native tongue was not Persian but Aramaic.¹²⁴ However, to say nothing of Herodotus' well-known remark (I 136) that the Persians taught τοὺς παῖδας, ἀπὸ πενταέτεος ἀρξάμενοι μέχρι εἰκοσαέτεος, τρία μούνα, ἱππεύειν καὶ τοξεύειν καὶ ἀληθίζεσθαι, the non-monumental epigraphical finds made at Persepolis demonstrate that as late as the middle of the fifth century the administrative offices at the Iranian capital which were in charge of routine matters were still staffed with foreign clerics. For these finds

¹²¹ Cf. above, p. 184.

¹²² See Hallock, *loc. cit.*, p. 237.

¹²³ Cf. above, p. 174, note 21.

¹²⁴ It goes without saying that in those parts of Iran in which prior to the rise of the Achaemenians Elamite had been the language of the bureaucracy, the creation of an officialdom of Persian nationality depended upon the possibility of getting along without Elamite scribes.

comprise, in addition to the Elamite Fortification and Treasury Tablets of the years 508-459¹²⁵, numerous Aramaic inscriptions and "small pieces with Aramaic writing in ink" which, according to Cameron (*op. cit.*, p. 30), originated in part during Darius' rule and in part "in or shortly after the reign of Artaxerxes". In other words, the information provided by the excavations at Persepolis tallies more or less with the well-known evidence from Egypt and Asia Minor in the light of which it appeared always doubtful whether Darius and his descendants ever succeeded in training in numbers sufficient for the administration of their vast empire a Persian-writing bureaucracy of Persian extraction. Accordingly, we must beware of overrating the efficacy of the measures taken by Darius with the intention of promoting that new method of writing Old Persian with Aramaic signs which he records with satisfaction in DB §70 and "Bisutun I".

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The mistake of greatly exaggerating the scope and the immediate significance of the measures referred to in DB §70 was, in fact, committed not only by the few savants who credited and continue to credit Darius with the invention of the Old Persian cuneiform script but also by their opponent, Herzfeld, who saw in the innovation sanctioned by Darius the beginnings of the "Pahlavi" system of writing Persian. I refer especially to the following sentences found at the end of the "Essay on Pahlavi" which constitutes the fourth chapter of Herzfeld's well-known work on the Paikuli Monument: ". we may now assign an exact date to the invention of Pahlavi, and duly appreciate the meaning of the obscure Elamite §70 of the Bistûn inscription: It was by order of Darius the Great that for the first time

¹²⁵ That the Treasury Tablets "cease quite suddenly with the last months of the fifth year of Artaxerxes I, in 459 B. C." was stated by Cameron, *op. cit.*, p. 31. He is inclined to explain this fact by conjecturing that "by 459 scribes of Persian or Aramaic, not Elamite, extraction had been placed in complete charge of bookkeeping at the capital."

parchment was introduced as writing material into the Achaemenian offices replacing clay-tablets, Aramaic script as the official script replacing the cuneiform, and Old Persian as the official language replacing Aramaic. That was the moment of the creation of Pahlavi." It is, indeed, easy to see that these lofty sentences reflect the reasoning of an author who was unaware not only of the existence of Aramaic chancelleries during the Late Assyrian and Neo-Babylonian epochs, as well as during the reigns of Cyrus and Cambyses, but also of the impossibility of converting over night into a Persian-writing bureaucracy a large body of tradition-bound Aramaic clerics spread over a vast empire the higher developed and civilized parts of which were not inhabited by compact masses of Persians. In addition, it appears from the utterance just cited that Herzfeld failed to raise the question as to whether Persian-educated officials of Persian ancestry or rather Aramaeans who, while continuing their centuries-old scribal habits, had learned to master the language of the Persian successors of the Assyrian and Babylonian monarchs are likely to have devised a heterographic system of writing Persian in which the proper Persian pronunciation of the ideograms had to be made sure by the use of phonetic complements.

The correct answer to this fundamental question can be anticipated by recalling that, even after having become proficient in the language of their adopted country or, for that matter, of a foreign employer, many people — compact groups of immigrants as well as single individuals — tend to persist for a long time in the more or less exclusive use of their mother tongue so far as reading and, above all, writing are concerned¹²⁶.

That this observation entitles us to attribute the gradual development of the Pahlavi systems of writing to bilingual scribes of Aramaic training and, in part at least, of Aramaean

¹²⁶ Hence there exists in our times a multilingual press in countries the population of which comprises smaller or larger groups of immigrants of different origin. How one shrinks from writing in a language other than his mother tongue is illustrated by the well-known fact that, while listening to a foreigner's lecture, many people take notes not in the lecturer's but rather in their own language.

extraction becomes particularly clear if we turn to the so-called Nuzi tablets which, as is well known to Assyriologists, date from the times when Arrapha and the neighboring places belonged to the Mitannian Empire. Being written by Assyrians and Babylonians who immigrated into the Arrapakhitis in order to take service with Hurrian-speaking administrative officers and judges¹²⁷, these tablets prove (1) that the Akkadian clerks did not write in Hurrian, although they were perfectly capable of translating and putting down in Akkadian matters such as all kinds of declarations made in court by Hurrian-speaking parties, and (2) that their descendants continued to write in Akkadian at a time when, owing to intermarriage with Hurrian women and other assimilating influences of their environment, several of them were so much Hurrianized as to be compelled now and then to use, instead of an Akkadian noun, its Hurrian equivalent or to substitute for an Akkadian verb or object plus verb a hybrid phrase composed of the Akkadian verb *epēšu* "to do", "to make" (here used as a kind of auxiliary verb) and an Akkadian or Hurrian word provided with the Hurrian "infinitive" ending *-umma/ummi*¹²⁸.

In consideration of these data which bespeak themselves, it is, no doubt, most difficult to concur with Herzfeld's above-quoted

¹²⁷ On these personalities and their overlords see chapter I ("The royal Administration at Nuzi and its Archive") of Hildegard Lewy's studies in "The Nuzian Feudal System" (*Orientalia* 11, 1942, pp. 1 ff.). As for the scribes of Nuzi, their origin and their families, see, for the time being, Koschaker, *Neue keilschriftliche Rechtsurkunden aus der El-Amarna-Zeit*, Leipzig 1928, p. 13 with note 2; Saarisalo, *New Kirkuk Documents Relating to Slaves*, Helsinki 1934, pp. 100 f.; J. Lewy, *Hebrew Union College Annual* XIV, 1939, pp. 591 ff.; XV, 1940, pp. 50 f.; Purves, *American Journal of Semitic Languages* 47, 1940, pp. 165 ff. and p. 283, note 6 of the work on "Nuzi Personal Names" by Gelb, Purves and MacRae (Chicago 1943).

¹²⁸ Some typical examples of such hybrid expressions were discussed by Gordon, *Orientalia* 7, 1938, p. 51 and Speiser, *JAOS* 68, 1948, p. 12; on the ending *-umma/i* see especially Speiser, *Introduction to Hurrian*, New Haven 1941, pp. 128 f. (Whether Gordon, *Ugaritic Handbook*, Roma 1947, p. 68 with note 1 is right in linking this termination with that of the Old Assyrian and Old Babylonian paronomastic infinitives in *-um* and *-um-ma* which I discussed in *Orientalia* 15, 1946, pp. 410 ff., is, to say the least, doubtful.)

views as to the time and the circumstances in which the Pahlavi systems of writing were "invented". In other words, if re-examining the problem here under discussion in the light of the conditions prevailing in the Arrapakhitis by the middle of the second millennium, we necessarily reach much the same conclusions as Schaefer (*Iranische Beiträge*, I, p. 94) who declared it "unvorstellbar, dass bei der Schaffung des ältesten Pahlavi-systems bewusst und systematisch ein Bestand von aramäischen Ideogrammen in das persische Schriftwesen aufgenommen worden wäre"¹²⁹, and as Cameron (*op. cit.*, p. 30) who reasoned as follows: "Later"¹³⁰ when need arose for translation into Persian by bilingual scribes, it would quickly be seen that the Aramaic writing of specific words could continue, especially if now and then one added certain endings which could suggest to the writer and reader alike what Persian words were intended."

In addition to indicating to which extent clerics in the service of high-ranking government officials of foreign nationality can be expected to remain faithful to the old traditions and scribal habits in which they were raised, the clay tablets from Nuzi and Arrapha provide us indirectly with evidence of a nature to raise serious doubts about the validity of Herzfeld's postulate of a direct link between Darius' measures pertaining to a new method of writing Persian with Aramaic signs, on the one hand, and, on the other, the heterographic systems of writing of the Arsacid and Sasanid epochs. This evidence can be derived

¹²⁹ Schaefer continues as follows: "Vielmehr sind diese nur als Reste aus einer vorangegangenen Periode zu verstehen, in der man nur aramäisch schrieb". The second "nur" which spoils this remark reflects Schaefer's view that "der achämenidische Kanzleiverkehr auf Einsprachigkeit des Schriftwesens gestellt war" (*op. cit.*, p. 5), and that this was due to pertinent orders of Darius I (*ibidem*, pp. 12 f., 94 f.). We have already seen that assertions to this effect are contrary to the historical facts.

¹³⁰ That is, according to Cameron, after a period during which Aramaean scribes had the task of translating Persian orders or texts into their own tongue and to write them down in Aramaic. We shall attempt presently (see p. 207 with note 134) to supplement Cameron's observations by underlining the difference between the accomplishment of the Persian-writing clerics of the Achaemenian kings, on the one hand, and the performance of the scribes in the service of the Arsacids (and Sasanids), on the other.

from the fact that the official records from the Arrapkhitis originated, some centuries after the solution of the problem of writing Hurrian by means of the Sumero-Akkadian cuneiform characters¹³¹, during a period when Hurrian was written both inside and outside the Mitannian Empire.¹³² To be sure, the reason why the authorities of the Arrapha district failed to organize an unilingual administration based upon the vernacular of the leading officials and the masses of the Hurrian population remains conjectural¹³³; but in view of their readiness to employ Assyrian and Babylonian clerics, it would appear that, in the states of the Ancient Near East, the development of a national system of writing and the ensuing availability in smaller or larger numbers of men capable of making use of this system did not lead to a more or less abrupt displacement of secretarial staffs of a different nationality and tongue who embodied the traditions and administrative institutions of older times. As this deduction is borne out by the above-mentioned data according to which the setting up by the Neo-Assyrian and Neo-Babylonian kings of Aramaic chancelleries did not undermine the position of the Akkadian administrative staffs, we shall, indeed, be safe in assuming that the great majority of the Aramaic clerics in the service of the Persian government were not particularly concerned about Darius' orders to use Aramaic methods when writing Persian. In other words, well attested instances in which neither the existence nor the usual activities of an officialdom of long standing were visibly altered by the creation within the

¹³¹ Hurrian texts dating from the times of Hammurapi (1792-1750 B. C.) were excavated at Mari; cf. Thureau-Dangin, *Revue d'Assyriologie* 36, 1939, pp. 1 ff. As for a much older Hurrian foundation document, see Parrot et Nougayrol, *ibidem*, 42, 1948, pp. 1 ff.

¹³² The relevant data are found, *inter alia*, in pp. 1 ff. of Speiser's above-cited *Introduction to Hurrian*.

¹³³ We may conjecture that, much like the Persians (see above, p. 201), the Hurrian noblemen and their "Aryan" rulers had little understanding for office work and similar occupations. But it is also possible that the scribes felt unable to find or to coin Hurrian equivalents of the special terminology and traditional formulas used by the Babylonians in writing contracts and other documents pertaining to law.

same state of a new bureaucracy make it clear that the Pahlavi systems of writing were devised not by scribes of Persian nationality who since the days of Darius the Great wrote their native tongue by means of the Aramaic characters but rather by people of Aramaean extraction who, although having served for generations in Iranian offices, saw no way of completely parting with the scribal traditions of a much older period. Once this is realized, one is not surprised by the emergence in the times of the Arsacids of a Persian system of writing which used ideograms (perpetuating the Old Aramaic language of centuries long past) with the result of virtually undoing the accomplishment of those Aramaean scribes of the Achaemenian epoch who had not resorted to the use of ideograms when writing Persian with Aramaic characters.¹³⁴

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After contesting in the preceding pages the conflicting views of those savants who, always on the basis of DB §70 and "Bisutun I", saw in Darius I the initiator of the Old Persian cuneiform script, the Pahlavi systems of writing or of the use of Aramaic as the only accepted language of the Old Persian chancelleries, we are, finally, prepared to point out that, nonetheless, the innovation reported in his statement concerning the divulgation of his accomplishments may well be characterized as the beginning of an important institution of the Achaemenian Empire. For it appears that in granting permission to make copies

¹³⁴ The important difference between the two methods of writing Persian with Aramaic characters was duly emphasized by Altheim when he stated (*op. cit.*, p. 42): "Das Altpersische hatte, ebenso wie das Awestische und die nordwestindischen Dialekte, eine radikale Ablösung der aramäischen Schrift von der Sprache vollzogen und hatte jene auf das eigne, nichtsemitische Idiom angewandt. Doch dieser Schritt blieb ohne Folgen für die spätere Zeit." But Altheim made no attempt at explaining how it came to pass that the method of the Achaemenian period was subsequently abandoned so that, as he puts it, another law governed "die Wiedergabe des mittelliranischen Nordwestdialekts der Arsakiden und des Soghdischen".

of his *res gestae* "in Aryan upon parchment as well as upon leather" Darius became the creator of the βασιλικαὶ ἀναγραφαί (Diodorus Siculus II 22) and βασιλικαὶ διφθέραι ἐν αἷς οἱ Πέρσαι τὰς παλαιὰς πράξεις εἶχον συντεταγμένας (*ibidem*, II 32) which were known to Ctesias of Cnidus and allegedly consulted by him.

PHILO'S PLACE IN JUDAISM:
A STUDY OF CONCEPTIONS OF ABRAHAM IN
JEWISH LITERATURE

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I

THE PROBLEM

LOUIS GINZBERG says in the introduction to the Notes of his *Legends of the Jews* (Vol. V, viii-ix): "There are few Jewish authors about whom so much has been written as about Philo. And yet the most important problem connected with Philo is not yet solved. Was he a Jewish thinker with a Greek education, or a Greek philosopher with Jewish learning? I hope that the very numerous references in the Notes to the frequent similarity of the views held by the Rabbis and by Philo will contribute something towards the solution of this problem."

In the twenty-five years that have elapsed since these words were printed, there has been considerably more written about Philo, and there have been more efforts made to solve the problem. The differences of opinion still exist, however, so that the conclusion is inevitable that the proposed solutions have failed to satisfy all the workers in the field.

The present study attempts to clarify some of the issues at stake; if it may be no more persuasive in the solution which it proposes than previous efforts, it may at least reduce the area of controversy. Some of the scholarly disagreement seems to me to partake of the semantic. Some of it seems to me to stem from substitutions of the whole for a part. A review of the efforts made to delineate Philo's relations to the rabbis, such as overlappings in haggada and halaka, considerations of chronology of the witnessing literature, and some observations on procedures utilized in the past precede the main body of my essay. It can

well be that seeing the problem in its true light, with a consideration both of certainties and also of imponderables, may of itself suggest the direction towards solution.

These are the external facts about Philo. His dates are roughly 20 B. C.—40 A. D. He has bequeathed to us enough of his writings to fill eleven volumes in the Loeb Classics; these writings are in Greek, though a few of them are today preserved only in translation. A native and resident of Alexandria in Egypt, he was a prominent leader in the Jewish community.

Philo was a later contemporary of Hillel and Shammai, and of Jesus and Paul. The Temple in Jerusalem was a flourishing institution in his time; we know that Philo visited it at least once.

It is well known and universally agreed that by and large Philo's writings represent, at least coincidentally, a reconciliation of Jewish revelation and Greek philosophy. The nature of Philo's treatises is such, however, that one could make out the case either that he is a philosopher, or else that the philosophy, conceded on all hands to be present, is only incidental.

The assessments of his philosophy as to its quality have been varied. Wolfson¹ declares that Philo is an original philosopher, and the true father of religious philosophy as it prevailed from his own day down to the time of Spinoza. At another extreme, Reitzenstein² dismisses Philo's philosophical writings with the scornful comment that to term Philo an eclectic is unduly to praise him. Schuerer³ speaks of Philo as primarily a psychologist and moralist. A good many workers in the history of religion consider the work of Philo as of no value in itself, but as a rich mine of the varied religious and philosophical opinions prevalent in the first Christian century. Indeed, for some researchers Philo's sole value is the light he is supposed to shed on other and weightier literatures, such as the New Testament or Patrology.

¹ *Philo*, I, especially p. 114.

² *Studien zum antiken Synkretismus, aus Iran und Griechenland*, 30. Other such negative judgments are cited in Völker, *Fortschritt und Vollendung bei Philo von Alexandrien*, 44, note 2.

³ *The History of the Jewish People in the Time of Jesus Christ*, Eng. Translation, Second Division, III, 330.

A considerable literature exists on the question, what was Philo's relationship to rabbinic Judaism? A complex of difficult problems precludes an easy answer, though some such have been offered. These we shall note below. To anticipate an item, it is an almost insuperable task of delicacy to recover from the Pharisaic literature exactly what the state of Pharisaism was in Philo's time, when the Temple was still functioning and when the fervent rivals of Pharisaism had as yet not virtually disappeared. The attestation of Paul in Philippians 3.5, that he was a "Pharisee" suggests that possibly diaspora Pharisaism was not completely identical with the Palestinian variety;⁴ if this is so, the presence of varieties within Pharisaism makes it even more difficult to describe the relationship between Philo and his Jewish contemporaries.

Moreover, there are overlappings in the Philonic and rabbinic traditions; related or identical items of haggada appear in both. For example, that Noah was righteous in his own generation means that only by a relatively low standard was Noah righteous. Such items are, on the one hand, sufficiently numerous that by substituting a whole for the part, the commentator can infer from the random congruent facets a total congruency. But such a conclusion would rest on selective evidence, for it would perforce omit an abundance of points at which extreme disparity prevails. On the other hand, the commentator who would deny totally any relationship between Philo and the rabbis necessarily disregards the manifest identities and the need of assessing them. The circumstance of the mixture of both congruency and disparity leads naturally to diverse weighings among the scholars of either the one or of the other.

The admittedly different form of the Philonic writings and the rabbinic pericopes provides its own unique complication. The rabbis are neither philosophical in manner nor are their "writings" rhetorical; the disparities between them and Philo might conceivably be due to what ensues when non-philosophical

⁴ Cf. Goguel, *La Naissance du Christianisme*, 232, note 6. For more thorough-going scepticism on the passage see "Saul", *JE*, XI, 79, by Kohler. The genuineness of the passage has been questioned by a minority, though a respectable one, of Protestant scholars; cf. *Dictionary of the Bible*, III, 844.

statements, of a laconic, epigrammatic character, are metamorphosed into philosophy, embodied in Stoic "diatribes." Accordingly, the disparities between Philo and the rabbis could conceivably be not a matter of content but only that of form. We shall see that this contention is made with some frequency and insistence.

The ubiquitous semantic problem, as it applies to Philonic research, is partly as follows. The commentators who agree in noticing specific disparities between Philo and the rabbis can express their observations in correct but misleading fashion. One could say: though Philo deviates from the rabbis, he is not much different from them, or: though Philo agrees with the rabbis, he is notably different from them. The word "different," through its vagueness, fits nicely into either of these sentences. Judgments such as these in the scholarly literature are not deliberately evasive, nor are they untrue to the Philonic material. The difficulty is the form in which they are couched; and it is the obligation of the researcher in describing the phenomena in Philo's writings to select as precise and unmistakable language as he can.

What is there measurable in a judgment that Philo writing in Greek, in the Alexandrian scholastic tradition, reflects a "maximum hellenization of Judaism"? Or, that the hellenization in Philo is simply that of the use of language and phrases of that language, and indicates no profound hellenization at all?

Or, Wolfson's phrase⁵ that Philo represents a "collateral descendant of Pharisaism." If it is "collateral" on which we focus, then we should infer that Philo's Judaism was in significant measure different from the Pharisaism of the *direct* ancestry, yet if we focus instead on "Pharisaism" in the phrase, then we can readily overlook the significant qualifying words, "collateral descendant."

That is to say, the form of the description of the observed phenomena can imply either much more or much less than the commentator intends. Or a reader can infer something at variance with that which the scholar has meant to imply. In the problem of

⁵ *Philo*, I, 56.

Philo and the rabbis, all too often the area of disagreements among scholars could be reduced by a consideration on the part of the reader of what a particular colleague's intent is.

Not that thereby all disagreement would fade (and thereby the fun of scholarly research lost). Divergency of interpretation can exist even after the clearest communication exists among scholars.

To my mind, it is appropriate to alter the question from either "Is Philo hellenized?" or "How much is Philo hellenized?" to this, "Granting some hellenization, how *measurably* much is Philo hellenized?" One needs always to recall that the little or greatly hellenized Philo is in his own light a loyal Jew, and that the philosophy, or anything else which he used in his writings, seemed to him either congruent with his Judaism or even derived from it. This latter is true, even when we modern pedants can demonstrate that his true source is a non-Jewish one.

Finally, in comparing Philo and the rabbis, it is often overlooked that Philo is but a single man, of a rather restricted time and place; the rabbis are many, and of both wider time and diverse places. For the comparison to be the most reliable, it would need to assess the imponderable measure of heterogeneity within the milieu of the rabbis. It scarcely needs demonstration, in the light of different currents within rabbinic thought, that an assumption of total, all-embracing homogeneity among the rabbis is gratuitous. One needs recourse to generalizations, in which one depicts the overwhelming central and typical rabbinic sentiments, to arrive at a body of material with which Philo may then be cautiously compared.

II

PHILO AND THE RABBINIC HAGGADA AND HALAKA

The rabbinic literature, as is well known, is later in redaction than the time of Philo, but some material, both haggada and halaka, contained in the later collections, is undoubtedly earlier than Philo. This is known to us through the incidence of such material in the Apocrypha and Pseudepigrapha, especially in

the Book of Jubilees; and Josephus, who is slightly later than Philo but earlier than the rabbinic collections, is a further witness to the fact that some rabbinic material is considerably older than the date of the compilation of the rabbinic collections which have also preserved the material. That the rabbinic compilations are later than Philo is no obstacle to the possibility that Philo could be utilizing early rabbinic material. The question is not, could Philo have used early rabbinic material, but rather, did Philo actually do so.

The context of the problem in relationships is highlighted in our day in two lines of antithetic interpretation. To digress to them may clarify the issue. Wolfson is the most recent representative of a distinguished line of interpreters whose position can be summarized in Wolfson's words, that we encounter in Philo, "a Hellenization in language only, not in religious belief or cult."⁶ Philo is a fairly good representative of "native Palestinian Judaism."

On the other hand, Goodenough⁷ is the most recent representative of an equally distinguished succession of interpreters who see evidence in Philo of hellenization that is more than surface. Indeed, Goodenough goes so far as to say, primarily on the basis of Philo, that "Judaism in the Greek Diaspora did, for at least an important minority, become a mystery Since a Jew could not simply become an initiate of Isis or Orpheus and remain a Jew as well, the amazingly clever trick was devised, we do not know when or by whom, of identifying the personalities of the Bible with those of Greek mystery religions, and accordingly 'Judaism was transformed into the greatest, the only true Mystery.' "

In part the issue between Wolfson and Goodenough (as symbols of the conflicting approaches) rests on the import of certain words, phrases, and conceptions in Philo. These are admittedly terms of the mystery religions; and Wolfson and Goodenough unite in seeing Philo a denouncer of Greek mysteries. But Good-

⁶ *Philo*, I, 13. Cf. Wikgren, Colwell, and Marcus, *Hellenistic Greek Texts*, xxi and 81.

⁷ *By Light, Light*, and numerous scattered essays.

enough asserts that the terms have an authentic mystery connotation for Philo's one true Mystery, while Wolfson dismisses them as no more than the slang or vocabulary of the day.

A somewhat similar issue has existed in scholarly circles respecting the Septuagint. How hellenized is the Greek Bible? Ralph Marcus⁸ has written some words of acute observation which have a decided relevance for our problem respecting Philo. "Every translation is a compromise between two civilizations. Neither spoken nor written word is a series of one-to-one correspondences between word and idea. The various words of a language have a delicate contextual relation to other words, and this relation cannot be exactly reproduced in another language. This inadequacy of contextual reproduction is especially marked in the confrontation of two such distinct and historically unrelated languages as Hebrew and Greek. Beyond or beneath the linguistic incongruities there are all kinds of cultural incongruities . . ." Marcus notes that there are definite hellenizations in the Septuagint, but these, properly, he calls "surface." They include providing Greek case endings for Hebrew proper nouns, and accommodations in the rendering of technical terms. Still another surface form is the employment of Greek metrical forms, as in the LXX Proverbs. Also, certain mythological terms appear in the LXX, such as allusions to Titans; but Marcus adopts Redpath's explanation that the name Titan would occur as a natural word of translation.

But the allegation of hellenization deeper than surface was made many generations ago. Gförer, in 1831, and Dähne, in 1835, advanced such views; the most adequate refutation, says Marcus, is Freudenthal's, whose "examination of the various passages where such psychological, ethical, and metaphysical terms are used . . . makes it certain that they have no philosophical connotation in the LXX."

The problem of Hellenization, then, is anterior, to Philo. But it is an acute problem in Philo (and in Paul too) for the definitely philosophical cast of the Philonic writings provides

⁸ "Jewish and Greek Elements in the Septuagint," *Louis Ginzberg Jubilee Volume*, 227-245.

an array of hellenizations which though possibly still only surface, yet go beyond the merely grammatical or lexical details mentioned above. The fact that Philo is in some sense a philosopher means that he owes some debt to the Greeks.⁹

Marcus¹⁰ points to another important fact, "A sober analysis of the literary and archeological materials . . . will reveal the inadequacy of the contrast between Greek intellectualism and Jewish morality. The Greek philosophers were interested in morality . . . The Jewish teachers of the Hellenistic and Roman periods . . . consistently tried to prove a rational basis for their doctrines of revealed morality . . . certainly Greek polytheism is categorically opposed to Jewish monotheism. But this opposition would be greatly lessened if one compared Greek religious philosophy rather than popular Greek religion with Judaism."

When in Philo we encounter some rationalization of a moral teaching, it can with equal likelihood be *a priori* Greek in origin or Jewish in origin. The fact is that Philo frequently cites his Greek source. But more often he does not. It is not impossible, then, when the source is not specifically indicated as Greek, and when it coincides with a doctrine found in rabbinic literature, that it may stem from a Jewish source.

To revert to the main line of argument, that Philo writes in Greek, and not in Hebrew or Aramaic and that his writings are philosophic in form are not inescapable obstacles to Philonic dependence on, and thorough-going agreement with, Palestinian Judaism. It is possible to suppose that Philo transfers a Hebrew or Aramaic sentiment into a Grecian philosophical form. It is possible, *a priori*, that this and no more is what Philo has done. Since dependency could have existed, the question is this, did it exist?

⁹ An excellent review of Philonic scholarship from the end of the eighteenth century through the middle 1930's is to be found in Völker, *op. cit.*, 15-47. Völker is properly critical of the methods used by some researchers, especially those who have tried to fit Philo into some strait-jacket of exclusive classification, such as Stoic, Platonist, and the like. Völker has good things to say on the Jewish and Greek sides of Philo. He seems to me ultimately to fall into the same kind of pit which he has dug for others. His review of the literature is the best which I have seen.

¹⁰ *Op. cit.*, 231-232.

Abstractly, there are three possible patterns into which an oversimplified statement of the possible relations between Philo and the rabbis can fall.

Pattern A would depict Palestinian Jewry, especially rabbinic Judaism, as the acknowledged leader and authority in religious matters for Alexandria, as early as 20 B. C.—40 A. D. Whatever local or regional developments, peculiar to Alexandria, are discernible, are small and insignificant. Frequent communication took place; and rabbinic sentiments and even utterances passed from Palestine to Egypt; Philo received these, and turned them into philosophical form. Whatever hellenization is present is only surface.

This pattern implies that the language difference between Palestine and Egypt was little or no barrier. The rabbinic exegesis, indeed even subtleties founded on the Hebrew text, were readily absorbed in the Greek-speaking community; moreover, Hebrew in this pattern must have been known among the Greek Jews, and in good measure. While those who bring Palestinian views to Egypt occasionally bring back Alexandrian views to Palestine, it is a rather unequal exchange, since Palestine is the place of the primary intellectual activity, while Alexandria is almost thoroughly dependent on Palestine. By and large Klausner,¹¹ Belkin,¹² and Marmorstein,¹³ as we shall see specifically, seem to fit either completely or almost so into Pattern A.

¹¹ *Pilosofim v'Hoge De'ot*, especially 68. Klausner repeats his observations in a number of other books, *Historia Yisre'elit*, IV, 50–67, and *Mi-Yeshu 'ad Paulos*, 166–191; in the latter Klausner alludes on p. 116 to his more complete essay in the former. One notes the relative smallness of the grist and the surprising plurality of the mills.

¹² *Philo and the Oral Law*, 25. Note Belkin's fine survey there of the work of Ritter, *Philo und die Halacha* and of I. Heinemann, *Philons jüdische und griechische Bildung*. That Belkin has demonstrated more abundant parallels and overlappings between Philonic and rabbinic halaka is to be conceded; that he has searchingly considered the implications of the work he has done is much less evident.

¹³ One hesitates to apply the damning epithet of dilettante to a scholar, but such a judgment does not seem too harsh respecting the facets of his work on Philo in two articles: *The Old Rabbinic Doctrine of God*, I, 45 ff. and a reply, in *JQR* (NS) XXII (1932), 295 ff., to a criticism of the latter.

Pattern B, on the other hand, would suppose that communication is at a minimum and that independence rather than dependency is the key-note of the relationship. Whatever Hebrew was known in Alexandria was by Philo's time a bare and therefore useless minimum. Alexandrian Jewry was not a cultural suburb of Palestine, but self-contained and almost self-sufficient. Identity in or similarity of doctrines is explainable as either through co-incidence or the result of limited communication. *Mutatis mutandis*, Goodenough,¹⁴ Lewy,¹⁵ and Stein¹⁶ would represent pattern B. A large dependency of Palestine on Alexandria is argued for by Weinstein, *Zur Genesis der Agada*; the position of Daube¹⁷ would tend to support Weinstein.

Pattern C would differ from the other two in that it would subordinate neither Palestinian Judaism to Alexandrian, nor Alexandrian Judaism to the Palestinian, but would affirm that each developed along its own lines of creativity but without the complete loss of communication. In this pattern, there is room in a common broad base for the idiosyncrasies of each Judaism to develop, and for each to exercise some limited influence over the other. It might be said that Albeck¹⁸ and Wilfred Knox¹⁹ represent this pattern C.

These three positions are only theoretical and over-simplified, and objections could be raised at classifying some of the scholars as I have done; rigidly to insist on this classification is foreign to my purpose. But it needs to be noted that in scholarly circles one finds usually the occupation, or an endorsement, of some extreme position, and all too seldom an intermediate or moderate one. It does not follow that a position is wrong because it

¹⁴ *By Light, Light*.

¹⁵ *Philo Selections*, 20-21 and 108.

¹⁶ *Die allegorische Exegese des Philo aus Alexandrien*, 1929, 20-26, and *Philo und der Midrasch*, 1931.

¹⁷ "Rabbinic Methods of Interpretation and Hellenistic Rhetoric," *HUCA*, XXII, 239-264.

¹⁸ See his *Mabo to Theodor*, *Genesis Rabba*, 84-85. Albeck points out that coincidence between Philo and the rabbis does not necessarily imply dependency, and even if it should, the problem of who depended on whom is beyond solution; similarly Bernfeld, *Da'at Elohim*, I, 51-52.

¹⁹ Cf. *St. Paul and the Church at Jerusalem*, 1939.

is extreme. What is relevant is that much of the writing on Philo has begun with strong "Either-Or" assumptions, with the result that one-sidedness extends too pervasively throughout entire articles and books.

Assumption leads to a corollary. Thus, for example, there is a correlation between the view of Philo as an exponent of quasi-Pharisaic Judaism and the answer to the question, did Philo know Hebrew. Almost every scholar who espouses Philo as a quasi-Pharisee affirms that Philo knew Hebrew; those who see Philo as primarily a Greek deny that he knew Hebrew.

This question, however, could conceivably be approached independently of larger issues. Conceivably (though not probably) Philo could have known Hebrew and yet have been thoroughly hellenized. Contrariwise, Philo might have been unfamiliar with Hebrew but yet have had mediated to him the essential doctrines of the Pharisees.

It chances, moreover, that the question of Philo's knowledge of Hebrew is one instance of many in the scholarly world where some datum, acknowledged by both sides, is assessed in diametrically opposed ways. Specifically, Philo finds the allegorical quantities, which he uses, in the supposed etymology of the proper names of the Hebrew Bible; time after time, Philo, interpreting the name, tells us what the supposed Hebrew meaning is. These etymologies are sometimes capricious and even totally "unscientific"; but at other times they are close enough to the Hebrew to be tolerably acceptable. Those who focus on the correct Hebrew in Philo have substance for affirming his knowledge of it; and those who focus on the errors have basis for denying his knowledge. Siegfried wrote a very long essay²⁰ on the problem in 1872; I read a paper²¹ on the subject to the Society of Biblical Literature in December, 1952.

²⁰ In *Archiv für wissenschaftliche Erforschung des alten Testaments*, II Bd., II Heft, 143-163.

²¹ I have deferred publication of my paper until the publication of Vol. XI of the Loeb Classics edition; Professor Ralph Marcus, who has prepared this volume, has informed me in a letter of his conviction that sections in the *Quaestiones*, which he is rendering from the Armenian, point unmistakably to Philo's knowledge of Hebrew.

But the etymologies may not themselves be decisive; Philo says plainly on many occasions that the etymologies are not his own, but that he has heard them. Accordingly, whatever knowledge of Hebrew the etymologies show need not have been the personal possession of Philo. Both Lewy and Goodenough have suggested that Philo had available to him a kind of *notarikon* of etymologies of names; and a fragment of such a list, from a period later than Philo, has been published by Deissmann.²² Secondly, not all of Philo's etymologies are based on the Hebrew text. Following the Septuagint, he finds an allegorical quantity in Masek, read as a proper name, for the *ben-mesheq* of the Massoretic Text; and the etymological quantity for Enos is "hope," because LXX renders Gen. 4.26 (או החל לקרא) as "he hoped to call" etc. Whatever knowledge of Hebrew these etymologies reveal, it does not necessarily follow that Philo himself knew the Hebrew text.

Still another argument in favor of his knowing Hebrew, used by Wolfson, is that occasionally Philo displays a knowledge of a Greek version closer to the Hebrew than our Septuagint. But Wolfson himself admits that this argument is not a decisive one, since it is quite possible that Philo's Greek Bible was not our Septuagint, but a version different in details and closer to the Hebrew.²³

There is, then, no compelling evidence that Philo himself knew Hebrew, even though his writings reflect some knowledge

²² In *Veröffentlichungen aus der Heidelberger Papyrus-Sammlung*, I, *Die Septuaginta-Papyri* etc., Heidelberg, 1905, 86-93. Both Origen and Eusebius attribute such a list to Philo. The present list has many overlappings with Philo, but enough diversity to establish authorship by some other hand. The evidence is too scanty for definitive judgment, but the inference tends to be that Philo had recourse to material such as this third or fourth century Christian list later provided.

²³ *Philo*, I, 89, based on Ryle, *Philo and Holy Scripture*, xxxix. Katz, in *Philo's Bible*, tries to account for the circumstance that the citations which precede Philo's allegorical treatises, the *lemmata*, vary from the text cited within the treatises; the *lemmata*, coming first in the essays and being readily separable, were made to conform to the usual LXX reading; within the body of the essays, the text preserved would tend to show that in Philo's time there was as yet no standard LXX.

of it. Wolfson contends that despite this absence of positive evidence, the burden of proof is on those who would deny it. Why this should be so is quite beyond me; it seems a most illogical contention. Philo gives abundant information about his Greek education, but none about his Hebrew education;²⁴ to my mind the burden of proof would rest on the affirmers.

At any rate, if one will take another statement of Wolfson's out of context, the true issue will stand out: "The question is not really whether Philo knew Hebrew but rather to what extent he knew it."²⁵ That is indeed the true issue.

But Wolfson should not be followed when he goes on to say²⁶ that while Philo "did not know enough of the language to write his interpretations of Scriptures in Hebrew, he knew enough of it to read Scripture in the original and to check up on the Greek translations whenever he found it necessary." I shall show below that the chief characteristic of Philo in this matter is his indifference to Hebrew; and he used it, if at all, so little that his knowledge of it was at best useless. If this conclusion seems startling, let it be borne in mind that Philo affirms that the Septuagint is in every sense a completely inspired work; and we must not forget that Alexandrian Jews made a *yom tob* of the supposed anniversary of the translation.

Does Philo use the *middot* of rabbinic exegesis? He alludes to "canons of allegory," but does not reproduce any of these.

Siegfried²⁷ gives a long list of Philo's hermeneutic methods,

²⁴ Cf. Marcus, "Rashe P'rakim be-Shittat Ha-Hinuch shel Pilon Ha-Alexandroni," in *Touroff Jubilee Volume*, 3-11.

²⁵ *Philo*, I, 90.

²⁶ *Ibid.* Wolfson cites there, in note 27, some of the later studies on this divisive problem.

²⁷ In *Philo von Alexandria als Ausleger des alten Testaments*, Siegfried not only studies the types of hermeneutics but believes that certain allegories preserved in rabbinic literature are traceable to Philo; these alleged similarities are in tone but not in content, and Wolfson is right in saying (I, 134-135). "Altogether too much importance is attached by students of allegory to the kind of things which allegorists read into texts . . . The main thing is that by the time of Philo the principle was established in native Judaism that one is not bound to take every scriptural text literally."

which can be studied for comparison and contrast with the various lists of *middot* attributed to Hillel, Ishmael, and others. Of these only the list of Hillel would presumably be prior in time.

The conclusions are that a loose similarity in effect emerges, but there are differences in details. Philo certainly seems to anticipate some specific norms which Jewish tradition ascribes to rabbis later than Philo, and Philo uses some norms which are not paralleled in extant rabbinic collections.²⁸

By and large scholarship has followed Zechariah Frankel²⁹ in the view that Palestinian exegesis has influenced the Alexandrian, and though a minority view, promulgated by Weinstein,³⁰ sees the influence of Alexandria on Palestine; Weinstein's views have been dismissed by Strack as only an arbitrary hypothesis. My own reading of Weinstein forces me to the same conclusion as to Weinstein's method.

Very recently, David Daube addressed himself to the problem of the development of rabbinic exegesis, and offered the theory that "Rabbinic methods of interpretation derive from Hellenistic rhetoric." Along with his main case, which rests on an effort to fit the developing rabbinic exegesis in the larger frame-work of the first pre-Christian century, Daube notes that the oldest list of *middot* is ascribed to Hillel; and Hillel was a student of Shemaiah and Abtalion; these latter are the first to be called by the later rabbis *darshanim*; and while doubt has been thrown on their alleged descent from proselytes, Daube believes that Graetz has amply shown that they were either Alexandrians by birth or else had lived there and studied there.

The effect of this statement by Daube, if it is correct, is to

²⁸ This conclusion emerges unmistakably when one compares what Siegfried has collected with Strack's summaries, *Introduction to the Talmud*, 93-98. Whatever may be Philo's "canons of allegory," he shows no acquaintance with the particulars of the rabbinic *middot*.

²⁹ *Vorstudien zur Septuaginta*, 1841; *Ueber den Einfluss der palästinischen Exegese auf die alexandrinische Hermeneutik*, 1851; *Ueber der palästinischen und alexandrinischen Schriftforschung*, 1854, and in numerous articles. Other literature in this field is assembled in Prijs, *Jüdische Tradition in der Septuaginta*, 1948, xiii-xiv, and 105.

³⁰ *Zur Genesis der Agada II: Die alexandrinische Agada*, 190. See Strack, *op. cit.*, p. 166 and other references there given.

go beyond suggesting general hellenistic influence on the rabbis, and to insist that this influence is specifically Alexandrian. This may be so. But one wonders at the necessity of discerning an Alexandrian origin; were there no possible hellenistic influences within Palestine? Is it not just as likely, granted for the moment that rabbinic exegesis is hellenistic in origin, that this exegesis derived from an impetus felt within Palestine³¹ long before the Alexandrian community had become exegetically creative? Moreover, is exegesis such an artificial human pursuit that its origin and development need to be traced to "influences"? Both on general and on specific grounds, Daube has failed to persuade me.

Respecting Philo, Daube has the following to say: "Philo was acquainted with them (sc. hellenistic rhetorical categories), and the conclusion has been drawn that he was influenced by Palestinian Rabbinism. But it is far more likely that he came across them in the course of his general studies at Alexandria . . . It (such embellishment) recurs in Cicero, Hillel and Philo — with enormous differences in detail, yet *au fond* the same. Cicero did not sit at the feet of Hillel, nor Hillel at the feet of Cicero; and there was no need for Philo to go to Palestinian sources for this kind of teaching. As we saw, there are indeed signs that Hillel's ideas were partly imported from Egypt. The true explanation lies in the common background."³²

Daube's effort seems to me to be still another instance in which scholarship is not content simply to notice similarities, but feels called on to answer unanswerable questions of influence and dependency. It is out of the caprice of such efforts that there emerge the heated differences in scholarly interpretations, as the researcher insists, in a context of scanty evidence, on one and only one possibility in the midst of multiple choices.

Similarly, the allegorical method of Philo might be limited in its derivation either to hellenistic influence or to a rabbinic influence. Such futile pursuits are on record in the scholarly research. Allegory was even before Philo's time a well-known

³¹ Cf. Lieberman's excellent studies, *Greek in Jewish Palestine*, New York, 1942, and *Hellenism in Jewish Palestine*, New York, 1950.

³² "Rabbinic Methods of Interpretation and Hellenistic Rhetoric," *HUCA*, XXII, 239-264.

device among both Gentile and Jewish Greeks;³³ there is the probability that Philo's allegory stems from the hellenistic background.

Not that, on the other hand, allegorical interpretation is unknown among the rabbis. To the contrary. It begins, indeed, within the Bible.³⁴ The rabbinic literature preserves a good amount of allegory, in scattered instances, almost submerged in the non-allegorical.³⁵ The ancient Jewish allegorists, according to Lauterbach,³⁶ consisted of two classes. The *dorshe reshumot* were simple allegorists, while the *dorshe hamurot* were extreme. Lauterbach sees the former as living in Palestine, and the latter as Alexandrians. Belkin,³⁷ however, allocates both classes to Palestine. Ultimately an opposition to allegorizing crystallized itself among the rabbis, and while recollections of it were retained, the practice fell into relative desuetude.

Possibly Philo owes a debt to such rabbinic allegorizers. There seems little doubt, however, that the major debt is to his hellenistic background. However, the study of Philo's allegories is unyielding for a decisive fixing of Philo's relationships, positive and negative, with the rabbis. I shall discuss below a question related to the allegories, namely whether they are, as alleged, Philo's device for turning rabbinic dicta into philosophic form.

The theory is advanced respecting Josephus by Hölscher³⁸ that there existed hellenistic compilations of scriptural interpretations from which Josephus and Philo drew. Rappaport³⁹ seems correct in his assertion that to presuppose a written com-

³³ The best study is Decharme, *Critique des traditions religieuses chez les Grecs*, 1905. See "La méthode allégorique chez les Juifs avant Philon," in Bréhier, 45-61, for Judeo-Greek efforts.

³⁴ Isa. 5, Ezek. 15.17, and elsewhere. These are, of course, allegories in Scripture, not allegorical interpretations of Scripture.

³⁵ Cf. *JE*, I, "Allegorical Interpretation"; and Heinemann, *Altjüdische Allegoristik*.

³⁶ "Ancient Jewish Allegorists," *JQR* (NS) 1910, 291-433 and 503-31.

³⁷ *Op. cit.*, 13.

³⁸ In Pauly Wissowa, Sp. 1955 and 1961.

³⁹ *Agada und Exegese bei Flavius Josephus*, xvii.

pilation of this kind is hazardous, since it tends to replace, respecting Josephus, known oral sources with unknown and presumably lost written sources. Perhaps Hölscher's theory rests on an extension of Freudenthal's term,⁴⁰ hellenistic "midrash"; Freudenthal says nothing about a written compilation; the term might have been happier had it been "haggada"; but the traces of haggada among Judeo-Greek writers would scarcely lead one to think along the lines of a stabilized collection of pericopes.

Philo speaks some eighteen times of the sources of his exegesis.⁴¹ Moreover, Philonic material reappears in patristic writings. Hence Bousset⁴² and Bréhier⁴³ have written about a scholastic tradition, largely Stoic in character, which influenced Philo and carried Philo's influence to later generations. The notion commends itself if one will not press "school" too rigidly,⁴⁴ as Bousset does infelicitously.

Where Daube saw Alexandrian influence on the rabbis, Wolfson proceeds in a direction that is almost the opposite. In matters of haggada, and indeed of halaka, Philo is for him dependent on "native Palestinian tradition." A review of some of that case which Wolfson builds up may reveal its own inadequacy.

Philo speaks with great frequency of "unwritten law." Heinemann⁴⁵ argued that the term "unwritten law" in Philo never

⁴⁰ *Hellenistische Studien*, I, 76-77.

⁴¹ Siegfried, *op. cit.*, 26-27. These sources are mostly "natural philosophers," a vague and unspecified group. The most significant passage is *V. C.*; the Therapeutae "have also writings of men of old, the founders of their way of thinking, who left many memorials of the form used in allegorical interpretation . . ." No further light exists on the alleged written sources than is contained in this passage; conclusions based on it are perforce conjectural.

⁴² *Jüdisch-christlicher Schulbetrieb in Alexandria und Rom*, 14.

⁴³ *Op. cit.*, 45-61.

⁴⁴ Völker, *op. cit.*, pp. 3-4, note 1, makes some telling criticisms of Bousset, and cites also the authority of Cohn and of Heinemann. The divisive word here is "school," with its overtones of formality and channeled transmission. Perhaps "scholastic tradition" expresses the idea more properly; I see no reason to deny the continuity of transmission of materials.

⁴⁵ "Die Lehre vom ungeschriebenen Gesetz im jüdischen Schrifttum," *HUCA*, IV, 1927, 149-171.

means the *torah she-b'al pe*. Wolfson believes that it occasionally does; hence he sets out to refute Heinemann in part. This is Wolfson's procedure: I. H. Weiss is his authority for the view that the early exponents of oral law were technically (note the word technically) called "elders." Wolfson connects these "elders" with the elders mentioned in Philo's prelude to his life of Moses. But the question was never, does Philo have some "elders" from whom he received things; the question is, *who* are these elders? There is nothing in the passage in Philo to justify the necessary identity of these elders.

Further, Wolfson connects the $\xi\theta\eta$ of Spec. IV, 149-150 with *halakot* and Philo's "unwritten law" with the *halaka*. His demonstration consists of saying that in the passage, the "unwritten law" does not exist before Moses, but exists side by side with it, and therefore this is one of the passages in which unwritten law means the *halaka*. Now a glance at the passage reveals the following: $\xi\theta\eta$ are customs, not *halakot*, and Philo is saying that customs are "unwritten laws, the decisions approved by men of old ($\pi\alpha\lambdaαι\omega\nu\ \alpha\nu\delta\rho\omega\nu$), not inscribed on monuments nor on leaves of paper which the moth destroys, but on those partners in the same citizenship." As we shall see in the body of this study, the patriarchs are regarded by Philo as the "men of old" who did not live by the written Torah, since it has as yet not been recorded; these men, however, lived by the unwritten law of nature, and those men were themselves "laws", in that the law of Moses is the set of positive enactments of those things which the ancients did. "Unwritten law" in this passage does not and cannot mean the *Torah she-b'al pe*, and the "men of old" are the patriarchs, whose lives Philo commends to his generation for emulation, and they are not the "elders" who give the rabbinic oral tradition.

Next, Philo says that praise cannot be given to him who obeys the written law, since that is compulsory, but that he who observes the unwritten law deserves commendation. Wolfson finds a rabbinic parallel in the dictum, *habibim dibre sofrim mi-dibre torah*, "the words of the scribes are more precious than the words of the Torah." This "parallelism" is for Wolfson another link in the chain binding Philo to the rabbinic *halaka*.

But let anyone examine Aristotle's *Rhetoric*, i 14,7, and he will see that Philo is quoting that passage almost verbatim, and that the parallelism is not with the rabbis but with Aristotle. Or, more precisely, Aristotelianism is Philo's source, not rabbinic literature. And it may be added that the two passages do not mean anything at all in the same vein. The rabbinic dictum is a reflection of the tone and regard that tradition had for the work of the scribes, but the tradition nevertheless grants a priority to the Torah, even while elevating the *soferim*.⁴⁶ Philo (and Aristotle) are discussing the law of nature as contrasted with "positive" law.

Wolfson regards as parallel Philo's statement in *Mig.* 90 that one should not do away with the established customs which divinely empowered men, greater than those of our time, have laid down, and the statement of *Eduyot* I, 5, "No assembly of scholars can repeal the words of another assembly of scholars unless it is greater in learning and in numbers." Philo's statement is an exhortation to preserve customs; the *Mishna* is a device for regulating the relationship of a later legislative (or quasi-legislative) body to an earlier one.

Returning to the question, did Philo know the *torah she-b'al pe*, one must recognize that the manner in which Wolfson answers this question in the affirmative is hardly tenable. One need not infer from a casual similarity in one or more facets of Philonic and rabbinic statements that such similarity amounts to total identity, nor that that dubious identity requires Philo to be dependent on the rabbis. Were the case to rest only on the proof which Wolfson offers, then the rejection of his proof would entail the rejection of the notion.

I doubt that looseness in method or in thinking exists in more pronounced form than in the quests for parallels and dependencies between bits or bodies of literature. The parallels between Jesus and the rabbis, between the rabbis and Paul, between Paul and the Stoics, and the like, are all too often marked by two curious aberrations. First, the alleged parallels are almost always

⁴⁶ Cf. R. H. 19a, *Dibre Torah 'enam tzerikim hizzuk, dibre sofrim tzerikim hizzuk*; and Num. R. XIV. *Hiqshu dibre Torah le-dibre sofrim she-hem 'amitim k'motam*.

noted only in the facets in which sentiments or words coincide, but are not searched for words and facets which differ. Wolfson seems to me to be notable in asserting, over and over again, that two statements which in reality touch no more than tangential circles, are to be considered as completely coinciding. Second, it becomes a standard step to move from the supposed parallelism of two statements to an insistence on a particular kind of direct dependency of the one on the other; hence Wolfson unfailingly makes Philo dependent on a rabbinic dictum, of uncertain or even later provenance, almost as if to deny Philo and his fellow Alexandrians any creativity at all. His book, which has many merits, abounds in absurdities in which the existence of parallelisms is grossly overstated and the inference of direct dependency belabored. If one followed Wolfson's method, he could go beyond Bergmann, who compared Stoic philosophy and Judaism⁴⁷ and make the rabbis dependent not on the Bible, but on the Stoics; or the Stoics dependent on the rabbis. Jewish scholarship has often had to note that to illuminate the New Testament by collections of excerpted material from rabbinic literature is hazardous, because the all important context is thereby lost. Similarly in other areas of comparative study facile conclusions are reached about similar sentiments which are not adequately weighed.

As still another sample of a somewhat misguided effort to dovetail Philo and the rabbis, we turn to Marmorstein and the question of the attributes of God. Zechariah Frankel was among the first to note, about a hundred years ago, that the rabbis coincide in interpreting each of the usual two Scriptural names of God, YHWH and *Elohim*, and *Theos* and *Kyrios*, with the qualities of mercy and justice. But the rabbis equate YHWH with mercy, while Philo interprets its LXX equivalent *Kyrios*,⁴⁸ with justice; and Philo ascribes mercy to the rendering *Theos* for *Elohim*, to which the rabbis assign justice. Frankel,⁴⁹ whom

⁴⁷ In *Judaica. Festschrift zu Hermann Cohens Siebzigstem Geburtstage*, 145-166.

⁴⁸ Cf. Siegfried, *op. cit.*, 142.

⁴⁹ Cf. *Vorstudien*, 189 ff.; *Einfluss*, 84 ff.; and *Ueber palästinische und alexandrische Schriftforschung*, 23 ff.

George Foot Moore⁵⁰ follows, suggests that behind these similar but divergent views lies a common *type* of exegesis, but which diverged naturally in the shift of language from Hebrew to Greek; the Greek interpreters, using Greek etymological bases, were led to connect *Theos* with mercy and *Kyrios* with judgment, while the Palestinians, using their own equivalent bases, made their expected connection. Frankel is among those who denied that Philo knew Hebrew, and thereby he explains Philo's divergence from the Palestinian form of the common exegesis. This view, however, is unacceptable to Marmorstein.

"Philo," says Marmorstein, "never invented these terms, but took them from Palestinian sources. There never was a discrepancy between Philo and the Rabbis in this respect." Then how account for the at least apparent divergency? The fact is, says Marmorstein, that for the earliest Palestinian teachers the quantities existed as assigned by Philo. It is only with the time of Meir and Simon ben Yohai that the terms *middat ha-din* and *middat ha-rahamim* occur. Before their time these terms were not used. "Instead we read the terms *midda tobah* and *midda pur'anut*, the measure of goodness and the measure of punishment . . . The tannaitic Midrash usually adopts these earlier terms. None of these, however, enables us to glance at the inner meaning of the use of the divine name. One can see in YHWH the *middat pur'anut*, and in *Elohim* the measure of goodness, or *vice versa*." The older sources, then, agree with Philo, but later rabbinic usage made a deliberate and calculated change. We may momentarily defer Marmorstein's explanation of this change to consider the basis by which he arrives at his proof for the older usage; it depends primarily on a manuscript reading of the Mekilta, rejected on the basis of other manuscripts as a simple copyist's error by both Friedmann and Lauterbach. Finkelstein expressed the judgment that Marmorstein's case rested on the basis of a single doubtful passage which runs counter to well-authenticated rabbinic sources.

The change was made, says Marmorstein, in the second century, in response to the use by gnostics of the divine names;

⁵⁰ *Judaism*, III, note 123.

since gnostics regarded *Kyrios* as the God of the Jews and lower than *Elohim*, the Highest God, "the teachers of the second century changed the order."⁵¹

The point to be noted is that rather than posit Philo's capacity to adapt a rabbinic viewpoint to Philo's own needs, of language, of philosophy, and of homily, Marmorstein creates this artificial pattern of a rabbinic attitude abruptly reversing itself. It is a curious example of choosing a complex explanation for a relatively simple one.^{52a}

I discuss this particular point at length in connection with Philo's exegesis of Gen. xviii, and it is unnecessary at this moment to go into the details. I am here trying to show only that the character of the alleged dependency by Philo on the rabbis, among some scholars, is far-fetched and untenable in method and in result.

Wolfson has given some attention to the relation between the parallel traditions. These, he says, may be assumed to be of a fourfold nature. "First, some of them undoubtedly emanate from a common source, the traditions of early Palestinian Judaism which the Alexandrian Jews had brought with them from their home country. Second, some of them are later innovations independently arrived at by the rabbis and Philo, owing to the common method of interpretation employed by them. Third, some of them may have been borrowed by Alexandrian Jews from their contemporary Palestinian Jews through the various channels of intellectual communication that existed between them. Fourth, some of them were probably borrowed by Palestinian Jews from the works of Philo." And again, "the rabbinic parallels quoted would serve their purpose to whichever of these

⁵¹ See Marmorstein, *The Old Rabbinic Doctrine of God*. I, 45 ff., and Finkelstein's review in "Recent Progress in Jewish Theology," *JQR* (NS), XX (1930), especially pp. 363-364.

^{52a} Marmorstein, in response to Finkelstein, admits the justice of the latter's criticism, but tries to restate the previous position with some tortuous citation. The new terms, says Marmorstein, were not found in the older authorities; but, on the other hand, "I am perfectly aware that owing to the deplorable condition of our texts it may happen that the new term crept into an older saying or that amoraic teachings contain the old form." "Philo and the Names of God," *JQR* (NS) XXII, 1931-32, 295 ff.

four types of parallels they belonged." This statement is altogether reasonable as a pattern; it is a sad fact that Wolfson fails to follow this pattern of his own, but sees Philo at every turn dependent on the rabbis.

For it is taken for granted by Wolfson, throughout his book, that a rabbinic statement, of whatever provenience, is often a source for Philo's alleged parallel statement. Goodenough, in a searching review of Wolfson's book,^{52b} pointed out that often the rabbinic authority cited in a given instance lived in a period long after Philo. In context, Goodenough laments that Wolfson excludes as sources for clarifying Philo's thought the mystic philosophers of the period after Philo. His question amounts to this, if rabbis later than Philo can serve as sources for the knowledge of Judaism at Philo's time, why cannot later hellenistic writers serve for Philo's hellenistic background? Goodenough makes it abundantly clear that he is not doubting that late rabbinic collections, "even the medieval ones, contain material, some of which must even antedate Philo." Goodenough then concedes that rabbinic tradition goes back to the period before Philo.

In a reply to Goodenough, and in defense of Wolfson's method, Bamberger^{52c} makes the following points. The ascription of a statement to a particular rabbi gives us only a *terminus ad quem*, since the rabbi may actually be quoting much more ancient material. We know from Jubilees and Josephus that material contained in the rabbinic sources are much, much more ancient than the date of compilation of a rabbinic collection. Pharisaic rabbinic thought remained largely homogeneous over a period of many centuries. The pre-Philonic character of some Pharisaic tradition shows that "Wolfson is justified, by and large, in the use he has made of Talmudic parallels." Bamberger does not stop to note whether an alleged parallel exists in similar or identical form, shape, and significance; Bamberger says that "though one may cavil at one instance or another, it is not illegitimate . . . to quote later teachers as if they were sources of Philo's thought."

^{52b} *JBL*, LXVII (1948), 87-109.

^{52c} *JBL*, LXVIII (1949), 115-123.

The conclusion here is a little startling, in that it suggests that all of the oral law was contained not in the revelation to Moses at Sinai but in the earliest *tannaim*. But it is Bamberger's intent which needs to be focused on rather than the implications of his words. He is exactly right in insisting that rabbinic literature contains material older than Philo. In a conversation, when I asked him if he meant thereafter to imply Philo's unfailing dependency on the rabbis, his reply was, of course, in the negative. Accordingly, some of the language and some of the conclusions in Bamberger's article do not completely or adequately portray his viewpoint. The printed words, however, are not accompanied by the clarifying commentary. Marmorstein, showing Philo's lack of knowledge of Hebrew and dependency on the rabbis, insists that the second century rabbis deliberately altered the doctrine of attributes, while Bamberger's article imputes an unfailing homogeneity to the rabbis.

Obviously, the Biblical laws required interpretation and application in Alexandria as elsewhere. Philo recapitulates quite an extensive body of post-biblical Jewish law. As scholars have studied the matter, they have come to diverse conclusions. Ritter⁵³ is sure that there is a direct connection between the rabbinic halaka and these laws in Philo, and he assumes that these laws were the decisions of Jewish courts in Alexandria. Juster⁵⁴ and Bréhier,⁵⁵ however, deny the existence of independent Jewish courts. Lauterbach⁵⁶ argued for a direct relationship between the Palestinian and the Philonic halaka, but he conceded that in certain instances Philo's laws rest on Alexandrian decisions rather than on Palestinian: indeed, Lauterbach finds that in occasional instances Philo's halaka made its way into rabbinic halaka.

Heinemann,⁵⁷ on the other hand, maintains Philo's basis to be Greek and Roman laws and traditions, and many similarities between Philo and the halaka would be coincidence. Good-

⁵³ *Op. cit.*, 15-16.

⁵⁴ *Les Juifs dans l'empire romain*, I, 4 ff.; II, 157 ff.

⁵⁵ *Op. cit.*, 33 ff.

⁵⁶ In *JE*, X, 15-18.

⁵⁷ *Philons jüdische und griechische Bildung* is largely devoted to this topic.

enough⁵⁸ restates the position "that Philo's halaka are the decisions of courts in Alexandria. These decisions are for the most part traceable to Greek and Roman law; and such Philonic law as is not traceable to the Greeks and the Romans must be Jewish. Goodenough leaves it to rabbinites to determine whether these Jewish laws are the rabbinic halaka, or an independent Alexandrian halaka.

Belkin agrees with Goodenough that the legal decisions in Philo are based on actual court practices of Jewish courts in Alexandria. He agrees in this measure with Goodenough and Heinemann that for some of Philo's *halakot* a Greek or Roman basis is to be supposed. But for any laws not directly traceable to Greek or Roman origins, a Palestinian source is to be supposed. The Palestinian halaka was "known and practiced among the Jews who lived outside of Palestine . . . Philo's halakah is based upon the Palestinian Oral Law as it was known in Alexandria . . . No longer may a sharp line of distinction be drawn between Palestinian and Hellenistic Judaism."⁵⁹

Goodenough, however, seems to remain unconvinced by this last statement of Belkin's. In a review,⁶⁰ he credits Belkin with finding more rabbinic parallels than Heinemann supposed existed, but Goodenough insists that the increase in the number of parallels does not invalidate the claim that the Alexandrian courts developed their own halaka, independently of Palestine. We reach accordingly a stalemate.

For my part, in the measure in which I have gone into the matter, I find that the scholars tend to omit from consideration the fact that the source common to Philo and the rabbis was the Bible, and that the common source could yield relatively common deductions, especially in something so fixed as law. Similarity between the Philonic and the rabbinic halaka could thus easily be the result simply of coincidence. I see no reason to deny Lauterbach's assertion of cross fertilization: Philo both receives and gives; he both accords in general principles, and presents differences in specific details. It is certainly not to be ruled out

⁵⁸ *The Jurisprudence of the Jewish Courts in Egypt*, 16-29.

⁵⁹ Cf. S. Belkin, *Philo and the Oral Law*, p. 29.

⁶⁰ *JBL*, LIX, (1940), p. 413.

that Philo was acquainted with Roman and Greek law.⁶¹ I should therefore neither assert the complete independence of Philo on the halaka, nor his complete dependence on it.

But I should be prepared to disagree sharply with the notion that identity of halakic observance (which is not really the situation) would obliterate the line of distinction between Palestinian and Hellenistic Judaism.

III

THE PRESENT APPROACH

In my own presuppositions, I find the presence of common items in Philo and the rabbis indicative of the existence of communication; at the same time, I believe that each Jewry developed its own idiosyncrasies. I believe that it is quite futile to try to determine in the common items where precedence lies and where dependency exists.

Indeed, for me such matters are scarcely the main issue. With the Bible as their common heritage, with halakic inferences natural from the Bible, with communication present, with intensive Jewish loyalty common to both, I do not see any need for asserting and trying to prove total difference or chicken-and-egg dependency.

Rather, I believe the essential difference between Philo and the rabbis can be discerned in noting such things as their different use of a common item, or their different inferences from a common Biblical basis. For example, the rabbis, Philo, and Josephus, all agree that Abraham began in astrology but moved from the observation of heavenly bodies into the discovery of the existence of God. This the rabbis relate in their usual narrative manner. Josephus, however, in writing for Gentiles, and in wishing to portray Abraham as a mathematician and a philosopher, declares that it was his notice of the aberrations in the movements of heavenly bodies that led Abraham to his

⁶¹ In a conversation, Professor Sonne suggested that possibly rabbinic halaka is itself partially dependent on Greek or Roman law. If so, the overlappings between Philo and the rabbis do not necessarily involve direct dependency of the one upon the other.

momentous discovery. Philo," however, describes a totally different process; Abraham did not proceed from the heavenly bodies to God, but turned completely away from astrology and turned within himself; Philo, as we shall see in detail, has some contempt for the method of the Abraham of the rabbis and of Josephus!

It is in such items in which a common motif is used in a strikingly diverse form that the clearest distinctions between Philo and the rabbis emerge. These items, when coupled with the consistent idiosyncrasies of Philo's interpretation accumulate to provide the restricted but highly significant area in which Philo's religious experience and orientation — let us call it his religiosity — is marked off from the rabbis.

It is often overlooked in religious history that the distinctions which mark off "sectaries" from each other are largely intensive in details but simultaneously limited in scope. It is the rare Jew who knows the distinction between a Methodist and a Baptist. Even on knowing the distinctions, theological, ecclesiastical, and historical, the Jew can wonder why these, to him, unimportant factors should occasion competing denominational structures, in light of such shared items as a common Scripture and a supposedly common ritual calendar. To a religious sectary, however, ancient or modern, the specific items in which divergency of belief or practice exists are the important ones; the overlappings and commonly held attitudes recede from importance and even notice.

The differences between the Hassidim and the Mitnagdim can be set forth with some precision and clarity. The modern commentator, convinced of the Jewish loyalty of both, would not suggest that loyalty to Judaism, or disloyalty, was germane to a study of the differences. Nor would he be apt to suggest that either group lacked the Bible, the Talmud, and the more or less common halaka. In much they were the same; in a little, they were at variance with each other, and engaged in controversy which at times became bitter. To put it in an arbitrary mathematical formula, one could conclude here that the relevant differences represent possibly only five per cent, but that over-

lapping or congruency marks the other ninety-five per cent. In the case of the Karaites and the Rabbanites, the mathematical formula might be altered to, let us say, fifty per cent of congruency and fifty per cent of difference. Between Reform Jews and Orthodox Jews he might list the figures respectively as forty and sixty.

The scope of difference between an orthodox group and a deviating one varies in time and in place, but the specific restricted difference inevitably exists within a framework of general or extensive agreement. What Baptists and Methodists share makes them both Christian; what they have parted on makes them Baptists or Methodists, Conformists or non-Conformists, Protestants or Catholics. Accordingly, as it applies to Philo and the rabbis, the significant differences can conceivably be rather limited in scope, but decisive in intensity. All too often the commentators have overlooked this elementary consideration.

The specific differences between Philo and the rabbis which I shall point out are not such as those of cult practice, but differences in the assessment of what the identical cult practices would mean. To select an extreme example so as to clarify my meaning, Jews are well acquainted with the ceremony of the *kiddush* and the *motzi*. A similar observance obtains among the Christians, *mutatis mutandis*, in the Holy Communion.⁶² Assuming that the Eucharist developed from these ceremonies, the words of Knox⁶³ are apt: "There is nothing in Jewish literature which provides any parallel for the conception of a ritual meal in which bread and wine are the means by which the believers are able to enter into communion with the life of the deity." External of ritual may be identical, but their internal significance may be at variance. Hence the historic and continuing disputations within Christendom on the significance of the Eucharist. Accordingly, the significant divergence between Philo and the rabbis respecting Passover, for example, could revolve not on the external observance but on the internal meaning.

No, it is not the identity of halakic practice or haggadic

⁶² An extensive literature on the antecedents of the Eucharist exists. For our purposes it is not germane whether it is a ceremony of Jewish or of pagan origin; cf. Kennedy, *St. Paul and the Mystery Religions*, 256-279.

⁶³ *St. Paul and the Church of Jerusalem*, 376.

fancies which is the issue, as I see it, between Philo and the rabbis. Halakic observance may well have been uniform, or only minimally diverse. The true issue is what the one or the other sees in these practices, in the Bible, and in the nature of man and the nature of God. We shall see that Philo, the Jew, despite basic congruency, diverges almost as significantly from the rabbis as the Eucharist does from the *kos* and the *lehem*.

The medium through which I set forth my case is an exposition of what Philo tells us about Abraham. Both Beer, in his *Leben Abrahams, nach Auffassung der jüdischen Sage*, Leipzig, 1859, and Ginzberg, *Legends of the Jews*, I, 183-308 and notes, V, 207-269, have most competently assembled the narrative material. This they each work into a connected account, reserving for their annotations relevant comments on overlappings and differences. I have been greatly helped by both studies.⁶⁴

But to see Philo's Abraham most clearly, it is necessary to keep the different conceptions of Abraham separate from each other. The patriarch serves authors of non-canonical literature and limited parts of the New Testament (Synoptic Gospels, Paul, and James) as the exemplar of that which the writer is arguing for. To see what the writer makes of Abraham is often to see most clearly what the writer is trying to say. Accordingly, I try to keep the various Abrahams separate from each other, though in the apparatus I frequently indicate common or strikingly variant items.

A French publication, *Cahiers Sioniens*, devotes its June, 1951 issue (Vol. V, No. 2) to "Abraham, Père des Croyants." The nine essays cover the range from the history of the biblical patriarch through Kierkegaard; a scant eight pages encompass the "Traditions juives sur Abraham." The interesting essays on Abraham in the New Testament and in the Christian liturgy are outside the present investigation. The separate treatment in the *Cahiers Sioniens* of the different Abrahams is quite commendable.

In the ensuing chapters I discuss the various traditions about Abraham in Jewish haggadic material. Thereafter I present a detailed treatment of Abraham in Philo.

⁶⁴ See below, Chapter Three, note 372, a comment on Philo's Abraham as depicted in Goodenough, *By Light, Light*.

Dedicated to the Memory of

Prof. EUGENE TAEUBLER

Great Jew, Profound Thinker, and a Dearly Beloved Friend

THE PATRIARCH JUDAH I — HIS BIRTH AND HIS DEATH

A Glimpse into the Chronology of the Talmudic Period

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THE Patriarch, Judah I, figured as an outstanding and colorful leader of the Jewish people at a turning point of their long and varied career. When the days of Judah ended, a protracted and complicated phase of Jewish history ended; the center of Jewish life became transferred from Palestine to Babylonia. A new epoch began. From that time onward, the principal scenes of Jewish existence and vicissitude lie in the diaspora, shifting from continent to continent, from land to land. We shall not discuss here the circumstances which brought about this change. Suffice it to emphasize that, without his knowing it, Judah helped create this change.

With Judah and his generation, Hebrew ceased to be the official language of the Palestinian schools. Though himself a zealous champion of Hebrew, Judah was unable to check the contrary trend. By the irony of fate, Judah's own Mishnah contributed not a little to the state of affairs which he had desperately labored to forestall. His Mishnah gaining general acceptance as a code and as a basic text for study, there began a period of Mishnah interpretation, and the Rabbinic interpreters of the Mishnah would freely resort to the Aramaic vernacular; just as Aramaic was employed by the interpreters of

the Bible and by the translators who produced the Targumim. Meanwhile, with the authoritative Mishnah in their hands, the sages of Babylonia found it easier to move the center of Jewish learning to Babylonia where, more than in Palestine, conditions favored an intense and healthy Jewish life.

We shall not dilate upon Judah's historical stature. We simply stress that, despite his key role in Jewish history, obscurity besets the time of his birth and that of his death. If we consult the historians, authorities on the Talmudic period, we shall find not only that different scholars propound different dates but also that divergent and conflicting dates are sometimes affirmed by one and the same author. A case in point is the historian Graetz. In his *Geschichte der Juden* 4 ed., Vol. IV, p. 192, Graetz maintains that Judah was born about 136 C. E. But, in the same volume, page 445, note 22, the year of Judah's birth is given as 150 C. E.¹ While scholarly conjectures as to the date of Judah's birth range from 122 to 150 C. E., the conjectures regarding the date of his passing extend from 190 to 226 and 250. Citing the most learned investigators in this field, the following table will show these disparities:

	Judah I <i>born</i>	<i>died</i>
J. M. Jost ²	shortly before 140	219 or 220 (250)
Krochmal ³	about 135	221
Rapoport ⁴	125	(192) 193

¹ Graetz fails to explain his inconsistency.

² Jost, *Geschichte des Judentums* (1858), vol. II, pp. 118-119. In his *Geschichte der Israeliten* (1824), vol. IV, p. 97 f. and p. 293, Jost states that Judah lived until 250.

³ *He-Chaluz* II, p. 65; III, p. 120.

⁴ *Kerem Chemed* IV, letter 24, and VII, letters 8 and 9; *Erech Millin*, s. v. אנטוניוס particularly pp. 124-126. Rapoport determines Judah's birth date on the basis of two Talmudic accounts:

1. Judah was born at the time of Akiba's death (see below);
2. R. José relates that the Bar Kokba uprising took place fifty-two years after the destruction of the Temple. That is, it started in 122 and lasted until 125 (Yer. Ta'anivot 69a; Eka Rabba, II, 4, 69). Rapoport twists the accounts of the Roman historians in order to bring those accounts into harmony with Talmud and Midrash.

	Judah I <i>born</i>	<i>died</i>
Z. Frankel ⁵		190
H. Graetz ⁶	136 and 150	210
I. H. Weiss ⁷	about 135-138	
S. Krauss ⁸	138	226
W. Jawitz ⁹	about 135	192
I. Halevy ¹⁰	122	about 190-95
J. S. Zuri ¹¹	123	200 and 190

These conflicts stem, in the main, from the obscurities and the ambiguities of the sources. An examination of these sources will acquaint us with the difficulties. Such examination becomes all the more necessary in view of the fact that, in their handling of the sources, some recent scholars, whose opinion might count as "the last word," have deviated from reasonable and objective interpretations.

I. THE DATE OF JUDAH'S BIRTH

The approximate time of Judah's birth is indicated in the following passages:

I.

A. Bereshit Rabba, 58,2:¹² (קהלת א ה) וזרח השמש ובא השמש וגו' אמר ר' אבא וכי אינן יודעין שזרח השמש ובא השמש, אלא קודם עד שלא ישקיע הקב"ה שמשו שלצדיק הוא מזריח שמשו שלצדיק חבירו, יום שמת ר' עקיבה נולד רבינו ונקראו עליו וזרח השמש ובא השמש, יום שמת

⁵ *Darke Ha-Mishnah* p. 28: Judah died 120 years after the destruction of the Temple, i. e. in 190; cf. also *ibid.* p. 203.

⁶ S. above p. 240.

⁷ *Dor Dor Ve-Dorshav* II, p. 178: Judah died during the Hadrianic persecutions at the time Akiba died.

⁸ *Antoninus und Rabbi*, p. 146.

⁹ *Toldot Jisrael* 1907, vol. VI, chapter 9 (184 ff.): Born before the death of Akiba (which, *ibid.* p. 327, Jawitz dates 136-137), Judah died 192.

¹⁰ *Dorot Ha-Rishonim*, II, p. 307.

¹¹ *Shilton Ha-Nessiut Ve-Hava'ad* II, 1931, p. 10: Judah was born in 123 and died in 200; *Rab*, 1925, p. 115; Judah died in 190.

¹² Ed. Theodor-Albeck, vol. II, pp. 619-21.

רבינו נולד רב אדא בר אהבה וקראו עליו זרח השמש... יום שמת רב אדא נולד רב ואבין וקראו עליו... I. יום שמת רב אבין נולד ר' אבין בריה... I. יום שמת ר' אבין נולד אבה הושעיה איש טרייה... I. יום שמת אבה הושעיה איש טריה נולד ר' הושעיה... I. קודם שלא השקיע הקב"ה שימשו שלמשה הזריח הקב"ה שמשו שליהושע. ויאמר י"י אל משה קח לך את יהושע (במדבר כה יח) עד שלא שקעה שמשו שליהושע זרחה שמשו של עתניאל... עד שלא שקעה שמשו שלעלי זרחה שמשו שלשמואל... אמר ר' יוחנן כהדא עגלתא תמימתא, עד שלא השקיע הקב"ה שמשו שלשרה הזריח הקב"ה שמשו שלרבקה...

"The sun also ariseth, and the sun goeth down" (Eccl. 1.5). Said R. Abba: Do we not know that the sun rises and the sun sets? The meaning is that, before the Holy One, blessed be He, causes the sun of one righteous person to set, He causes that of another righteous person to rise. Thus, on the day when R. Akiba died, our teacher, Judah I, was born. To him was applied: "The sun also ariseth" etc. On the day when our teacher died, R. Adda ben Ahabah was born. To him also was applied: "The sun also ariseth" etc. On the day when R. Adda died, R. Abin was born; to whom also was applied: "The sun also ariseth" etc. On the day when R. Abin died, R. Abin, his son, was born... On the day when the second R. Abin died, Abba Hoshaya of Traya was born... On the day when Abba Hoshaya of Traya died, R. Hoshaya was born... Before the Holy One, blessed be He, caused the sun of Moses to set, He caused the sun of Joshua to rise, as it is said, "And the Lord spake unto Moses: 'Take thee Joshua, the son of Nun'" etc. (Num. 27.18). Before the sun of Joshua set, the sun of Othniel, the son of Kenaz, rose... Before the sun of Eli set, there rose the sun of Samuel, as it is said... R. Johanan appended: "Like a calf without blemish." Before the Holy One, blessed be He, caused the sun of Sarah to set, he caused that of Rebecca to rise...

A close parallel to the above is *Ḳohelet Rabba* 1, 5.

B. *Ḳiddushin* 72b: דאמר מר כשמת ר' עקיבא נולד רבי כשמת רבי: נולד רב יהודה כשמת רב יהודה נולד רבא כשמת רבא נולד רב אשי ללמדך שאין צדיק נפטר מן העולם עד שנברא צדיק כמותו שנאמר זרח השמש ובא השמש עד שלא כבתה שמשו של עלי זרחה שמשו של שמואל הרמתי שנאמר ונר אלהים טרם יכבה ושמואל שוכב וגו' (שמואל א, ג, ג).

A teacher said: When R. Akiba died, there occurred the birth of Rabbi. When Rabbi died, there occurred the birth of Rab Judah. When Rab Judah died, there occurred the birth of Rabba. When Rabba died, there occurred the birth of R. Ashi. This teaches that, ere one righteous soul departs from the world, another soul, equally righteous, is created, for

it is said: "The sun also ariseth, and the sun goeth down." Before the sun of Eli set, there rose the sun of Samuel from Ramah, as it is said: "And the lamp of God was not yet gone out, and Samuel was laid down to sleep in the temple of the Lord" (I. Sam. 3.3.).

C. Yoma 38b: אמר ר' חייא בר אבא אמר ר' יוחנן אין צדיק נפטר מן העולם עד שנברא צדיק כמותו שנאמר וזרח השמש ובא השמש עד שלא כבתה שמשו של עלי וזרח שמשו של שמואל הרמתי.

Said R. Ḥiyya bar Abba in the name of R. Johanan: Ere one righteous person departeth from the world, another person equally righteous is created, as it is said: "The sun also ariseth, and the sun goeth down." Before the sun of Eli set, the sun of Samuel of Ramah rose.

There is no doubt that all three versions go back to a common source. Internal evidence, as well as the fact that the transmitter is R. Johanan, would indicate that the oldest of the three is the account in Yoma. However, the text in Yoma is incomplete; otherwise, in the manner of the parallel passages when referring to personalities of the Bible, the passage in Yoma would have undergirded its assertion by quoting I Sam. 3.3. That other parts also are omitted, we can safely assume.

The names of the sages in A and B show that these are the younger versions. Each of these versions holds several strata:

1. The last of these strata mentions the names of Amoraim. This stratum differs in the two versions. The stratum obviously represents something added later by each of the two different schools.

2. There is the Midrashic stratum about the personages in the Bible. This stratum, present in all three, is no doubt the oldest.

3. The stratum concerning the Tannaim mentions only R. Akiba and Rabbi (Judah). This stratum appears in A and B, differing somewhat, though not essentially, in the two accounts. B reads: "When R. Akiba died, Rabbi was born." A reads: "*On the day* when R. Akiba died" etc. As shown by the context, "day" is not taken literally. The preceding sentence reads: "*Before* the Holy One, blessed be He, causes the sun of one righteous person to set, He causes that of another righteous person to rise." This, together with the biblical illustrations, shows that "when" or "the day when" means "approximately the time when," "not

long before." In other words, R. Akiba died not long before Rabbi was born.

Such are the passages. What now is their historical validity? Although each passage is Midrashic, there is no reason to doubt that, to buttress his idea about God's wisdom in distributing the righteous among the generations, the preacher invokes whatever historical facts he happens to know. How exact his knowledge was, we have no way of determining. We are not even informed who the author of the tannaitic stratum may have been. Inasmuch, however, as A and B emanate respectively from a Palestinian school and from a Babylonian school, their agreement strengthens their historical value. According to these passages, R. Judah was born not long before the death of R. Akiba, and this occurred about 137-138 C. E.

2.

Bereshit Rabba, MS. Prague, pp. 54-55 (Ed. S. Krauss):
 עדנה חדא אפקת קלוסי' רומי חייבת דלא יזרון יהודאי בניהון, בההיא
 זמנא אתתיה דרנש"בוג אולידת בר... קם וגזר יתיה... כד גדל...
 אתעביד נשיאה, והוא ר' יהודה וכו'.

Iniquitous Rome once issued a decree forbidding the Jews to practice circumcision. At that time the wife of R. Simeon ben Gamaliel gave birth to a son. The father circumcised the son. That son, when he grew up... became Patriarch. He was R. Judah.

Mention of this incident appears in several of the early sources.¹³ The authenticity of the statement can therefore not be questioned. We have here a Midrashic passage with a historical nucleus, namely, that when Judah was born, circumcision was under an imperial ban. The only interdict of circumcision prevailing at the period when the birth of Judah could have occurred was the decree of Hadrian. We do not know the precise date when that suppression began or when it ended. It is generally

¹³ See S. Krauss, *Antoninus and Rabbi*, pp. 66, 67, and note I on page 67; D. Hoffmann in *Magazin* 19, 51. Note particularly *REJ* Vol. 58, pp. 64 ff., where Krauss publishes early sources, among them (pp. 72, 73), Bereshit Rabbati, MS. Prague, pp. 54, 55. The ultimate source of Tossafot Abodah Zarah, s. v. אמר ליה is lost.

believed that Hadrian's order was issued shortly before the revolt of Bar Kokba, and that it may have been one of the factors¹⁴ if not, as Spartianus relates,¹⁵ the chief of the factors, by which the revolt was precipitated. Whether the decree was prompted by motives of persecution or, as Mommsen and others believe,¹⁶ by motives of humaneness, the upshot was the same. The decree infuriated the Jews.

As stated, the edict against circumcision was issued not long before the uprising of Bar Kokba, probably between 130 and the early part of 132. After Hadrian's death, the decree was lifted. The exact date of the revocation is not known, but it occurred in all probability and is generally believed to have occurred not long after Hadrian's decease, about 139 or 140.

Thus, according to the Prague manuscript of Bereshit Rabba and parallels, Judah was born between 130 and 140. Our previously quoted sources maintained that Judah was born shortly before the death of Rabbi Akiba, about 137-138. The sources in combination would then indicate that the birth date of Judah I lies between 130 and 137.

Yet, if the sources lead to this dating, how shall we account for the disagreement among the scholars? The chief reason lies in the obscurity of certain Talmudic passages which bear or are thought to bear upon the date of Judah's birth yet seem to conflict with the above date. Let us explain this confusion.

When the sons of R. Gamaliel II were grown to manhood, their father was still living.¹⁷ One of these sons was R. Simeon ben Gamaliel, the older of the two and his father's successor. Graetz maintains that Gamaliel II died about 117.¹⁸ At the same time Graetz holds that, as stated in Giṭṭin 58a and parallels,^{18b} Simeon ben Gamaliel was, at the period of the Bar Kokba war,

¹⁴ S. Schürer, *Geschichte des Jüdischen Volkes* ed. 3 and 4, pp. 674 ff., p. 682.

¹⁵ Vita Hadriani, 14.

¹⁶ Th. Mommsen, *Römische Geschichte*, vol. V (1885) pp. 545 and 549; Schürer, *op. cit.*, pp. 674 ff.

¹⁷ Mishnah Ber. I, 1. See also Mishnah Keritot III, 7, but cf. variant readings.

¹⁸ *Geschichte* IV, p. 445.

^{18b} *Ibid.*, p. 433.

a ילד or a חניוק. Halevy, in a malicious attack, ridiculing Graetz, accuses Graetz of saying that, in 135, eighteen years after the father's death, Simeon ben Gamaliel was a child of six!¹⁹ Even if we disregard Halevy, we have to admit that one who had grown to manhood prior to 117 could hardly have been a ילד or a חניוק in 135. How shall we solve this crux?

First let us investigate the assertion of Graetz that Gamaliel II died about 117. Ta'anit 29a reads: כשחרש טורנוס רופוס הרשע את ההיכל נגזרה גזרה על רבן גמליאל להריגה וכו'. "When the wicked Turnus Rufus plowed the site of the Temple, death was decreed for Rabban Gamaliel." Graetz emends: R. Gamaliel, to read: R. Simeon b. Gamaliel.²⁰ How is this emendation justified? Its basis is the fact that R. Gamaliel died before R. Eliezer died²¹ and, in Graetz's opinion, R. Eliezer died before the onset of the Bar Kokba war.²² This opinion likewise rests upon an emendation.^{22b} And both emendations are controverted by internal evidence as well as by the sources.

The source which Graetz emends with regard to R. Eliezer is in Sabbath 130a: ר' יהודה אומר משום ר' אליעזר נזהגין היו בשעת: הסכנה שהיו מביאין (הכלי) מכוסה. "Rabbi Judah says in the name of R. Eliezer: 'It was the custom, in time of danger, to bring (the circumcision knife) concealed.'" Plainly this passage refers to the Hadrianic statute against circumcision, but Graetz does not believe that R. Eliezer was still living at the time. Naturally R. Gamaliel, whose death occurred before that of R. Eliezer, would also not be living at the time. Graetz accordingly deletes: R. Eliezer, from Sabbath 138a. To this deletion, S. Horowitz, who edited the fourth edition of Graetz's *Geschichte*, objects (*ibid.* note 1), and the grounds for his objections are convincing. Horowitz points out that R. Judah often quotes R. Eliezer; why then should the text of Sabbath 138a be changed? I. H. Weiss²³ thinks that the report transmitted by R. Eliezer refers not to a

¹⁹ *Dorot Ha-Rishonim*, II, pp. 3 ff.

²⁰ *Op. cit.*, p. 433.

²¹ *Baba Mezia* 59b.

²² *Ibid.*

^{22b} *Ibid.*

²³ *Op. cit.*, II, p. 131, Note 1.

prohibition imposed by Hadrian but to that imposed by Antiochus. The reasoning, however, is unsound. Weiss argues that, for the period of Bar Kokba, R. Judah had no need of quoting anyone; Judah himself lived through the period. The rejoinder would be that renowned sages were customarily quoted in order to give utterances more weight than they would possess if issued by someone less prominent. Since then there is no sound basis either for the emendation of Graetz or for the conjecture of Weiss, the passage from Sabbath 138a might well be taken to indicate that, at the time of the Bar Kokba insurrections and the Hadrianic suppression of circumcision, R. Eliezer was still living. Indeed there are additional sources to indicate that R. Eliezer was, at that period, still living.²⁴

Though Gamaliel II died before R. Eliezer died, the considerations just adduced warrant the view that R. Gamaliel could have been alive at the time of the Bar Kokba upheaval. Thus there is no justification for assuming that the passage in Ta'anit 29a has to be altered. The utterances of R. Gamaliel and the acts imputed to him are, of course, not dated. We have no way of telling which, if any, of them belongs to the time preceding or to the time following the year 117.

Additional clarification can be gained from Ta'anit 29a if we consider it further: תניא כשחרש (כשחרב) טורנוסרפוס הרשע את ההיכל נזורה גזרה על רבן גמליאל להריגה בא ארון אחד ועמד בבית המדרש ואמר בעל החוטם מתבקש בעל החוטם מתבקש שמע רבן גמליאל אול טשא מינייהו אול לגביה בצנעא וכו'.

When the wicked Turnus Rufus plowed the site of the Temple, R. Gamaliel was sentenced to be executed. An official came to the school house and announced: "Wanted is the man of the nose. Wanted is the man of the nose." When R. Gamaliel heard this, he went into hiding. The official thereupon approached him by stealth.

Except for the Aggadic embellishments, there is no good reason for doubting the historicity of this passage. That the incident belongs to the period of Bar Kokba is quite certain. Tineius Rufus, who is the Turnus Rufus of our quotation, was the Roman procurator in Palestine before, during, and after the Bar Kokba

²⁴ A. Guttman in *HUCA* vol. XX, p. 394, note 44.

war. The procurator undoubtedly intended death for the head of the Jews, the man whom he held responsible for the disturbance. And who could this man have been if not Rabban Gamaliel as explicitly stated in our sources? The scholars who insist that Gamaliel died prior to the time of Bar Kokba may be compelled to read: R. Simeon son of R. Gamaliel. Yet all the sources agree that, at the time of the Bar Kokba war, Simeon the son of Gamaliel was exceedingly young, as we shall note later, and not by any means a leader. How then could he have been singled out by the procurator as the man responsible for the uprising?^{24b} Thus sound logic as well as the transmitted text aver that R. Gamaliel lived long enough to witness the Bar Kokba insurrection. It is impossible to determine whether he lived through the entire war or died before its termination. The measures to which the passage in Ta'anit refers may be interpreted either as having been simultaneous or as having been successive. If they were simultaneous, it is logical to assume that they were instituted when the upheaval was over. Gamaliel would, in that event, have survived the war. The discontinuation of his leadership, after the war, can be explained by the surmise that, during and after the revolt of Bar Kokba, Gamaliel had become a *persona non grata* with the Roman government. He had to keep in hiding and to refrain from activity. In addition, he was, at that time, extremely old and probably incapable, even if desirous, of activity.

The other possibility is that the Baraitha in Ta'anit 29a alludes to measures taken successively. Plowing the Temple site may signify the excavation preliminary to erecting on that spot a temple of Jupiter. If we assume כשחרב, "when he destroyed," to be the correct reading, the passage could refer to the razing of the Temple ruins preparatory to rearing the new edifice. The tilling or the clearing of the Temple grounds may, in that event, have happened before the war broke out; may, in fact, have been

^{24b} This speaks also against Halevy's supposition, *op. cit.*, Vol. I^o, pp. 74 ff., that Ta'anit 29a refers to persecutions which fell immediately after the destruction of the Temple when Gamaliel II was still very young and had not yet assumed office. Halevy identifies Turnus Rufus with Terentius Rufus.

the occasion for the war. Logically we must suppose that the order for Gamaliel's arrest was issued after, but not long after, the rebellion had begun.

We should like to conclude this discussion about Gamaliel II by recalling the simplicity of his funeral. Tosefta Niddah IX,7 and parallels²⁵ read: *בראשונה כל מי שיש לו מת יציאותיו קשות עליו יותר ממתו התחילו הכל מניחין ובורחין הנהיג רבן גמליאל קלות ראש בעצמו (ויצא בכלי פשתן) נהגו הכל כרבן גמליאל (לצאת בכלי פשתן).*

Formerly the expense of burying one's dead was harder to bear than the death itself. People would abandon their dead and flee. Rabban Gamaliel then introduced simplicity by arranging, in his own case, that his burial robe be of flax. Whereupon, following Rabban Gamaliel's example, burial in garments of flax became the practice.

Gamaliel II lived a princely life. His ways were those of wealth and station.²⁶ In the course of his career he introduced not a few innovations. Yet never did he order the simplification of funerals, though these had indeed become elaborate and ruinous. Even in his will, Gamaliel called for no change except that his own burial be unornate. Why the sudden plainness? We can best understand this if we grasp that Gamaliel's death occurred in troublous times. During the first half of the second century, the venture of Bar Kokba was not the only occasion for unrest and harassment.²⁷ The passage from Tosefta Niddah may possess no chronological significance in itself. Taken, nonetheless, together with the sources which demonstrate that Gamaliel lived to witness the Bar Kokba uprising, the passage can imply that Gamaliel died during the afflictions that marked the Hadrianic regime. Whether he suffered martyrdom may be debated. He is named among the ten martyrs in the list recorded in Eka Rabba to Lam. 2.4. Graetz,²⁸ among others, again emends the text here, as in Ta'anit 29a, to read not: Gamaliel but: Simeon ben Gamaliel.²⁹ Even if the report of Gamaliel's martyrdom be unhistorical, as it probably is, the inclusion of his name, if not

²⁵ Mo'ed Katan 27b; Ketubot 8b.

²⁶ Cf. Graetz, *op. cit.*, Chapter II.

²⁷ Graetz, *ibid.*, Note 14.

²⁸ *Ibid.*, p. 433, Note 18.

²⁹ See Echa Rabbati, ed. Buber, p. 100. Cf. also the Piyyut, אלה אוכרה.

a textual error, may reflect a tradition, known to the narrator, that Gamaliel died during the Hadrianic persecutions.

Further to penetrate the obscurities surrounding Judah's chronology, we have to examine the accounts of the atrocities imputed to the Romans in connection with the Bar Kokba resistance.

A

Gittin 58a reads: אמר רב יהודה אמר שמואל משום רבן שמעון בן גמליאל מאי דכתיב (איכה ג, נא) עיני עוללה לנפשי מכל בנות עירי, ארבע מאות בתי כנסיות היו בכרך ביתר ובכל אחת ואחת היו בה ארבע מאות מלמדי תינוקות וכל אחד ואחד היו לפניו ארבע מאות תינוקות שלבית רבן וכשהיה אויב נכנס לשם היו דוקרין אותן בחוטריהן וכשגבר אויב ולכדום כרכום בספריהם וציתום באש.

Rab Judah quotes Samuel as saying in the name of Rabban Simeon ben Gamaliel: What is the import of Lam. 3.51, "Mine eye affected my soul, because of all the daughters of my city." There were four hundred synagogues in the city of Bethar. Each of them had four hundred teachers of children and each of the teachers had before him four hundred pupils. The children, with their sticks, stabbed the foe as he entered, but the enemy prevailing, seized the children, wrapped them in scrolls, and set them afire.

B

Yer. Ta'anivot 69a reads:³⁰ תני רבן שמעון בן גמליאל אומר חמש מאות בתי סופרים היו בביתר והקטן שבהן אין פחות מחמש מאות תינוקות והיו אומרים אם באו השונאים עלינו במכתובים הללו אנו יוצאין עליהן ומנקרים את עיניהם. וכיון שגרמו עונות היו כורכים כל אחד ואחד בספרו ושורפין אותם ומכולם לא נשתיר אלא אני. וקרא על גרמיה עיני עוללה לנפשי מכל בנות עירי.

It has been taught that Rabban Simeon ben Gamaliel said: "There were in Bethar five hundred schools. The smallest held not fewer than five hundred children. The children said: 'If the enemy comes upon us, we shall, with these styluses, go forth to meet them and shall gouge out their eyes.' Yet sins brought it about that the foes wrapped each child in his

³⁰ Echa Rabbati, ed. Buber, 2, 2 (p. 104) essentially the same.

own scroll and burnt him up. Of all of them, I alone remain." Simeon ben Gamaliel applied to himself the verse: "Mine eye affected my soul, because of all the daughters of my city."

C

Soṭah 49b and Baba Ḳama 83a read: והאמר רב יהודה אמר שמואל משום רשב"ג מאי דכתיב (איכה ג, נא) עיני עוללה לנפשי מכל בנות עירי, אלף ילדים היו בבית אבא חמש מאות למדו תורה וחמש מאות למדו חכמת יוונית ולא נשתייר מהן אלא אני כאן ובן אחי אבא באסיא.

This is what Rab Judah said in the name of Samuel quoting Simeon ben Gamaliel as saying: "'Mine eye affected my soul, because of all the daughters of my city.' There were a thousand pupils in my father's abode. Five hundred studied Torah and five hundred the wisdom of the Greeks. Of all of them there remained, besides myself, only the son of my father's brother in Asia."

What, if any, is the connection between A, B, and C? This is the question we must answer first if our conclusions are to be well-founded. So obvious are the similarities between A and B as to leave no doubt that they are but different versions of the same Baraitha. Some of the variants are of consequence; others are not. The following are the vital differences:

1. The number of pupils in A is considerably larger — sixteen million. B states merely: Not less than two hundred and fifty thousand.

2. B, but not A, contains the phrase: ומכולם לא נשתייר אלא אני. If this clause is genuine, Simeon ben Gamaliel must, about the year 135, have been a child, and the birth of Judah could not have occurred much earlier than the year 150, the date suggested by Graetz.³¹ I. Halevy considers the clause a later addition without any chronological value.³²

What are the reasons for questioning whether the clause is original? Since Gamaliel II clearly remembers incidents which happened prior to the destruction of the Temple,³³ it is im-

³¹ See p. 240.

³² *Op. cit.*, II, pp. 3 ff.

³³ Cf. Mishnah Erubin VI, 2; Mishnah Beṣah II, 6; Mishnah Pe'ah II, 4.

probable that, as late as 135, when Gamaliel II would have been about eighty years old, one of his sons was still a young child. Considering that Gamaliel lived to see his sons full-grown,³⁴ he must have reached or almost reached the age of one hundred. For all that, if C is but another version of B and not, as Halevy maintains,³⁵ an entirely unrelated Baraitha, the clause under discussion could have been part of the original narrative. Let us look into this matter. Between B and C, what are the similarities and what are the dissimilarities?

A. THE SIMILARITIES

1. Of both accounts, Simeon ben Gamaliel is the author.
2. Both B and C contain the number five hundred. Four hundred is the number in A.
3. Both B and C have the clause: **לֹא נִשְׁתַּיֵּיר אֵלָּא אֲנִי**.
4. Both resort to the same biblical verse.

B. THE DISSIMILARITIES

1. B reads **בבית אבא** while C reads **בביתר**.
2. B reads **תנינות** while C has **ילדים**.
3. C adds **כאן וכן אחי אבא באסיא**. It also specifies the subjects of study: **חכמת יוונית** and **תורה**.
4. B has some details, chiefly Aggadic, missing both in C and in A.

What is the significance of these resemblances and these differences? The difference between A and B are of scant importance. A and B are but versions of one and the same Baraitha handed down by word of mouth. The same biblical verse which begins the report in A terminates the report in B. Here and there differences crop up in the wording and in the numbers, but all of this becomes explicable if we realize that, for a stretch of years, the transmission of the Baraitha was entirely oral.

Of the two versions, A and B, which is nearer the original?

³⁴ See p. 245.

³⁵ *Op. cit.*, II, pp. 5 f.

Internal evidence favors B. The numbers in B are less astronomical. In B the children merely boast or merely threaten to use their pens for stabbing out the eyes of the Romans. In A the stabbing actually occurs. All of which proves that the version closer to the original is B which is, moreover, the version in Eka Rabbati III, 51.³⁶ Then B offers some additional details: a) וקרא על c) ומכולם לא נשתייר אלא אני b) וכיון שגרמו עונות

נרמיה

There can be no doubt that, like A and B, C also received oral transmission. The distinction between ילדים and חינוקות would then be of no significance and would call for no discussion.³⁷ In oral as well as in written transmission, the בבית אבא of C would readily be a corruption of בביתר or of its older form בבית הר.³⁸ This becomes all the more likely in that, with C, the word אבא happens to stand also near the conclusion. Likewise not to be overlooked in בביתר and בבית אבא is the similarity of sound.

The absence of the clause ובן אחי אבא באסיא in B does not militate against the common origin of B and C; inasmuch as each of these accounts contains elements missing in the others. Weightier is the observation in Tosafot to Abodah Zarah 32a, under אבל, which makes the point that likewise Ḥanina, the brother of Simeon ben Gamaliel, was among the survivors of the Bar Kokba war. How can this be reconciled with ולא נשתייר? The answer of the Tosafot that the clause refers to Simeon, the son of Gamaliel I, is a vague unwarranted conjecture. Still the observation is valuable. It suggests that the ולא נשתייר מהן אלא אני is not to be taken literally. The phrase is apparently an inverted exaggeration underscoring the immensity of the disaster. Its purpose is the same as that of the exaggerations pertaining to the numbers of the slain. There is further the possibility that, when Simeon ben Gamaliel made the statement, his brother Ḥanina was no longer living. Or Ḥanina may have been elsewhere than in Bethar at the time of the siege.

³⁶ Ed. Buber, p. 138.

³⁷ As done by Halevy, *op. cit.*, II, pp. 5, Note 3.

³⁸ Cf. Schürer, *op. cit.*, p. 693, Note 130. — Graetz, *ibid.*, p. 433 emends בבית אבא into בביתר because "otherwise, the word would make no sense."

The scriptural word עירי seems to indicate that Simeon ben Gamaliel had in mind not a family but a city. This leaves little doubt that, also in C, the original reading was בביתר and not בבית אבא. That C is not unrelated to A and B is thus evident. C presents but a different version of the same Baraitha.

One question nonetheless needs clarification. How could Simeon ben Gamaliel have been, about 135, one of the ילדים or תינוקות if his son Judah was born about that time? To answer this question we must keep in mind that ילד may also designate a grown young man, and that this is what it does here. The Greek wisdom studied by the ילדים, according to C, could hardly have been pursued by small children.³⁹ As for תינוקות, this may often be synonymous with ילדים: but the substitution of תינוקות for ילדים in A and B, may be an error in the oral transmission.^{39a}

From the conclusion that A, B, and C refer to the same event, it follows that Simeon ben Gamaliel, a young man at the time, was present in Bethar during the siege. And this too refutes the contention of Graetz⁴⁰ and others that Gamaliel II died about the year 117.⁴¹

If Simeon ben Gamaliel was, in 135, a grown person, there remains no objection to regarding that year as the approximate date for the birth of his son Judah. The passages indicating 130-137 as the time of Judah's birth are thus not contradicted by his father's reminiscences of Bethar.

II. HOW LONG DID JUDAH LIVE?

Judah attained old age. Abot VI, 8 relates: רבי שמעון בן יהודה משום רבי שמעון בן יוחאי אומר, הנוי והכח והעשר והכבוד והחכמה הזקנה והשיבה והבנים נאה לצדיקים ונאה לעולם שנאמר... רבי שמעון בן

³⁹ Halevy, *op. cit.*, II, p. 5, note 3, maintains this view and cites sources in which ילד(ים) refers to grown young men. His contention, however, in this chapter, that C is unrelated to A and B is, despite his efforts, unacceptable, as we have shown.

^{39a} See, however, Tosefta Yoma I,12 (181) and parallels: Tosefta Shabuot I,4 (446); Yer. Yoma 39d and B. Yoma 23a, where תינוק obviously designates a grown young man.

⁴⁰ *Op. cit.*, p. 445.

⁴¹ See p. 245.

מנסיא אומר אלו שבע מדות שמנו חכמים לצדיקים כלם נתקיימו ברבי
ובבניו.

R. Simeon b. Judah in the name of R. Simon ben Yohai said: Beauty and strength and wealth and honor and wisdom and old age and hoary head and children are comely to the righteous and comely to the world, as it is written R. Simon ben Menasya said: These seven qualities which the sages have reckoned as comely to the righteous were all of them fulfilled in Rabbi and his sons.

Essentially the same is the text in Tosefta Sanhedrin 11,8 (432).⁴² The most important variant in the Tosefta is the absence of זקנה and the presence of תפארת. The version nearest the original is obviously that in Yer. Sanhedrin 30a which differs from Abot and Tosefta in several details. The number of qualities enumerated in Yer. Sanhedrin is seven as required by the context and not, as in the other versions, eight. R. Johanan's observation that Judah, though not the sons of Judah, possessed those excellences is unquestionably true. Johanan, a younger contemporary of Judah and the sons of Judah, knows the facts and is credited with being a reliable transmitter.

All three versions agree that Judah was blessed with longevity. On that score R. Johanan's testimony rules out all dispute. This invites the question: How old did Judah get to be? Abot V, 24 asserts: בן ששים לזקנה בן שבעים לשיבה, "At sixty one attains old age, at seventy the hoary head." This passage would make שיבה a term indicating the age of seventy. Judah accordingly reached that age, if we assume such to be the sense of שיבה in Abot VI, 8 and parallels, and if we assume that שיבה in those passages is not merely a word for old age in general. Abot VI, 8, standing by itself, would not allow us to identify שיבה with seventy years. For the passage also contains the word זקנה linked in Abot V, 24 with the age of sixty. If שיבה in Abot VI, 8 specifies seventy years, then זקנה would specify sixty years and thus nothing would be imparted about the length of Judah's life. However, the word זקנה does not appear in the Tosefta or in that most reliable of the three versions, the version of Yerushalmi.⁴³ We may therefore disregard the זקנה of Abot VI, 8 as a later

⁴² Simon ben Menasya is probably a contemporary of Judah I.

⁴³ S. Bacher, *Agada der Tannaiten*, II, pp. 85-86 on the various versions.

addition. The *שיבה* of the passage would then imply a specific number. No matter how we construe *שיבה* in Abot VI, 8 that source can, without hesitation, be credited when it declares that Judah lived to be seventy years old or more than seventy. Any interpretation, argument, or assumption that Judah's life was briefer defies the evidence. Examples of such are the later opinion of Graetz that Judah lived to be not older than sixty⁴⁴ or that of Jawitz with whom it is fifty-seven.⁴⁵ Zuri's suggestion that sixty-seven years was the duration of Judah's life nears the border line of the date that is possibly correct.⁴⁶

III. THE DATE OF JUDAH'S DEATH

If Judah was born some time between 130 and 137 and if he lived, as pointed out, seventy years or more, his death must have occurred not before the year 200. Again let us look at the sources.

I.

Yalkuṭ II, 579, from Yelamedenu, reads: *ואכחיד את שלשת הרעים (בירח אחד) זה רבינו ואנטונינוס וקרבן כלך פרסי שמתו בירח אחד וקראו עליהם ואכחיד וכו'.*

"And I cut off the three shepherds in one month" (Zech. 11.8). This refers to our teacher (Judah I), to Antoninus, and to the Persian king, Kōrbān, all of whom died in the same month. That is the import of Zech. 11.8.

Most scholars hold that *בירח אחד* is taken to mean: near the same date, within the same year. Dissenting, S. Krauss believes that "in one month" is understood by the Yalkuṭ to signify the identical month but *not* the same year.⁴⁷ Rapaport's emendation of *קרבן* Kōrbān into *ארטבן* Artaban has elicited wide approval.⁴⁸

With the scholars who understand the Yalkuṭ to construe

⁴⁴ See p. 240.

⁴⁵ See p. 241.

⁴⁶ See p. 241.

⁴⁷ Cf. *Monumenta Talmudica*, V, pp. 72 f., No. 143, Note 2.

⁴⁸ *Erech Millin*, p. 124.

"in one month" as the same time, the same year — and the assumption is not unreasonable — the inference follows that, if we can find a Persian king, Artaban, and a Roman emperor, Antoninus, who died within a year of one another, we can establish the year of Judah's passing. Then, by subtracting seventy, we can arrive at the date of his birth — assuming, of course, that, in Abot VI, 8 and its parallels, שִׁבְעָה means seventy years of age. Rapoport,⁴⁹ among others, believes that Antoninus, the friend of Judah I in our passage, was the emperor Commodus (180–192 C. E.) who died about the same time as the Persian king, Volgases III (147–191), also called Artaban, the Kōrban of our passage. These scholars maintain, accordingly, that Judah died about 192.

The inference is not as well founded as appears at first glance. The conclusion that Judah died in 192 rests upon four suppositions. The date holds: 1) if Kōrban is an error for Artaban, 2) if Artaban is the same as Volgases III, 3) if Antoninus is the same as Commodus, and 4) if "in one month" was taken to mean: in the same year. Though hinting at some possibility, a hypothesis resting on four "if's" has meager strength. In view of the sources which point to 130–137 as the period of Judah's birth and in view of the sources which indicate his having attained the age of at least seventy, the conclusion that Judah died in the year 192 has to be rejected.

Nonetheless, that there is something basically historical in the passage from Yalkuṭ need not be doubted. The passage may well refer to the year 217 C. E. In that year occurred the death of Caracalla; and Antoninus is another name for Caracalla. Artaban, spoken of as a Persian king, may have been some high official whom we can not longer identify. It is well known that Artaban was a favorite name among Persian princes, administrators, and soldiers. Yet this date also confronts an obstacle. Tosefta Soṭah, XIV, 5 (p. 321) relates מִשְׁמַת רַבִּי הוּכְפְּלוּ צָרוֹת, "When Rabbi died, afflictions doubled." This statement is reiterated in both Tal-

⁴⁹ For Rapoport, see p. 240, note 4. For the problem of Antoninus and Judah I, cf. particularly Michael Guttman, *Maṭteach Ha-Talmud* IIIa (1924), pp. 226 ff.; S. Krauss, *Antoninus und Rabbi*, (1910); Luitpold Wallach in *JQR*, XXXI, 3 (1941).

muds.⁵⁰ But, in the Mishnah, the wording varies.⁵¹ The Mishnah reads: *משמת רבי בטלה ענוה ויראת חטא*, "When Rabbi died, there was an end to humility and to shrinking from sin." The Babylonian Talmud ventures no comment on the disparity.⁵²

If we accept the account in Tosefta Soṭah, we are confronted by the fact that the immediate successor of Caracalla was Heliogabalus (218–222), and Heliogabalus was favorably disposed toward the Jews. How then could there have been at that time a "doubling" of affliction? But this objection is pertinent only if the word *הוכפלו צרות* refers to the period immediately following Judah's death. And that seems unlikely. In the Mishnah, "afflictions" are not mentioned. The passage in the Mishnah must, of course, have been added some time after Judah's demise. The Tosefta passage, in its present form, falls even later; because the Tosefta is the Mishnah's supplement. It is probable that the remark about the doubling of misfortune was appended some decades after Judah was no more. By that time the real date of the troubles had been forgotten; with the result that the period immediately following Judah's decease came to be confused with that era of tribulation. Nor should we disregard the contexts. Various persons of note are mentioned to show that, after each one's passing, conditions deteriorated, the loss proving irreplaceable. That sentiment may have prompted the narrator to enhance Judah's glory by attributing to his death a dire turn of events.

2.

Another chronological note with bearing on the date stands in the Epistle of Sherira:⁵³ *ובימייה דרבי נחת רב לבבל בשנת תק"ל שנה*, *למלכות יין*, "During the lifetime of Rabbi, Rab went down to Babylonia. This was in the Seleucidian year 530" (219 C. E.). Judah's death could not have occurred prior to 219 if that notation is correct. But other sources report differently. Abraham Zakuto, author of *Yuḥasin*, maintains that the date 530 is the

⁵⁰ Soṭah 49b; Yer. Soṭah 24c.

⁵¹ Mishnah Soṭah, IX, 15.

⁵² See *ibid.*

⁵³ Ed. Levin, p. 78.

one predicated by Samuel ben Ḥofni, Gaon of Sura, but that all other writings, both recent and old, name the year as Seleucidian 500 (189 C. E.); that is, 120 years after the destruction of the Temple.⁵⁴ Though we are unable to find any sources confirming Zakuto, Zakuto is doubtless trustworthy when he speaks of texts which, as regards Rab's return to Babylonia during Judah's lifetime, proffer the date 189. This would allow, to the statement of Sherira, scant credibility. Apart from textual error due to transmission, confusion could also arise from the fact that Rab journeyed between Babylonia and Palestine not once but repeatedly.⁵⁵

Since Sherira's chronology is of little weight, the passage from the *Yalḳuṭ* apropos Judah's decease may well refer to some year prior to 219. Of course, to accept this date, we must suspect inexactness when Tosefta and Talmud announce that "after Rabbi's death there was a doubling of affliction"; for, as we have observed, the attitude of Heliogabalus toward the Jews was friendly. If the remark in Tosefta Soṭah and Yerushalmi Soṭah reports a precise historical fact, the year of Judah's death could not have been 217. Then, as shown above,⁵⁶ a plausible alternative date would lie between 200 and 207. The death of Judah would, in that event, have occurred during the reign of Septimius Severus (193–211). Persecutions were then at their height; or they may, after Judah died, have become intensified or may have been felt more keenly. Extant sources admit of no conclusion. Yet, if we consider that Johanan was, in his early youth, one of Judah's disciples⁵⁷ and that 279 is reported to have been the year of Johanan's death,⁵⁸ the year 217 becomes more probable than the period 200–207 as the time of Judah's passing. Moreover, assuming the latter date, the *Yalḳuṭ* passage would remain obscure and in need of more radical interpretation.⁵⁹

⁵⁴ See discussion on the two conflicting dates in Rapoport, *Kerem Chemed* IV, 209 ff. Cf. also Graetz, *op. cit.*, pp. 381–382.

⁵⁵ Cf. Zuri, *op. cit.*, pp. 51 ff.

⁵⁶ P. 256.

⁵⁷ See Hullin 137b.

⁵⁸ Sherira, Iggeret, ed. Levin, p. 84 states that Johanan died in 590 of the Seleucidian era, i. e. in 279, a date also found in Seder Tannaim.

⁵⁹ D. Hoffmann in Mar Samuel (1873), following Rapoport, maintains that Judah died in 193. However, in *Magazin* Vol. 19 (1892), pp. 49–51 and 251–255,

While we do not know which was Judah's birthplace, Talmudic sources divulge the place of his death and the place of his burial. He died in Sepphoris and was interred in Beth Shearim. However, Benjamin of Tudela states, in his *Massa'ot*, that the place of Judah's burial was also Sepphoris.⁶⁰ Benjamin's supposition is certainly erroneous. Overlooking or misunderstanding the Talmudic notices, Benjamin assumed that the city in which Judah died was likewise the city of his interment.

At the famous burial place of Beth Shearim,⁶¹ excavations still in progress may result in the discovery of Judah's grave. According to a remark made to me by Prof. Mazar, there is reason to hope that Judah's grave will soon be identified. At the same time it is unlikely, even if possible, that the discovery of the grave will aid us in determining Judah's last year; for dates are not recorded on the Beth Shearim inscriptions.

IV. CONCLUSION

Thus have we demonstrated that the chronology of the Talmudic period is by no means established. A thorough revision of that chronology is needed. Every date should be reexamined with complete objectivity; for the "final word" of those who write history does not always advance scholarship. Considering the obscurity and the ambiguity of various ancient texts, there will ever be problems that preclude a final answer. Still, undiscouraged, we should continue examining and reexamining the sources and should go as far as a sound interpretation of the sources permits but should not go any further.

Hoffmann recognizes his error in allowing Judah a life span of only 56 years. He then accepts, as the date of Judah's death, the year 217. With some of Hoffmann's reasonings we agree while, with some of them, we take issue. A later date as, for example, 226 C. E. suggested by S. Krauss, *op. cit.*, p. 147, is an improbable one. That date would give Judah the strikingly advanced age of 89-95 years which, if true, would surely have been noted in Talmudic sources.

⁶⁰ *Massa'ot*, ed. A. Asher, vol. I, p. 44 (Hebrew text).

⁶¹ Cf. *The Excavations at Beth-Shearim*, by B. Maisler (Mazar) and M. Schwabe, Jerusalem, 1939; *Excavations at Beth-Shearim*, by B. Maisler (Mazar), Jerusalem, 1940. *Beth She'arim*, by B. Maisler, Jerusalem 1944. Cf. also Mazar in *HUCA*, vol. XXIV (1952-53), pp. 75 ff. and references *ibid.*

We have shown how the sources reveal that Judah was born between 130 and 137. Regarding the time of his death, the reports leave us uncertain. While, by some accounts, his death occurred between 200 and 207, others which seem to carry more weight point to the year 217. Prior to 200 would yield a date contravening sound interpretation.

A by-product of our study has been that, if Talmudic sources are not misinterpreted or misused, they disclose that, during the Bar Kokba revolt or at least when the revolt began, R. Eliezer and Rabban Gamaliel II were still among the living.

THE STATUS OF THE LABOURER IN JEWISH LAW AND SOCIETY IN THE TANNAITIC PERIOD*

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I. ECONOMIC CONDITIONS IN PALESTINE IN THE TANNAITIC PERIOD¹

IN THE first century of the Common Era, the countries of the Near East were "economically the most advanced region of the Roman Empire." Palestine, in particular, had become, since the time of the Maccabees, the scene of a rapidly expanding economy. The increase in population and the economic advantages of partaking in the commercial relations of the Roman Empire provided a powerful stimulus for economic development. Though the country remained principally agricultural, there was an ever increasing economic differentiation. With more advanced methods of cultivation, the fertile soil was able to produce a considerable surplus of various kinds of produce for export, in spite of the density of the population. At the same time, a large class of artisans and merchants grew up, especially in Jerusalem, although a large proportion of trade and commerce was in the hands of the coastal cities, which were predominantly Greek. Herod's reconstruction of the Temple alone required thousands of artisans and labourers; and the upkeep of the Temple, as well as catering for the needs of the many pilgrims visiting it, gave permanent work to a great number of craftsmen, merchants, and bankers. The "growing capitalist activities in the Herodian age" made commercial credit a necessity; the cancellation of all

* This article is part of a thesis of the same title, submitted originally to the University of Manchester for the Degree of Master of Arts.

¹ For this whole chapter cf. S. W. Baron, *A Social and Religious History of the Jews*, New York, 1937; A. Buechler, *The Economic Conditions of Judaea after the Destruction of the Second Temple*, London, 1912; A. Büchler, *Der galiläische 'Am-ha'Areš des zweiten Jahrhunderts*, Wien, 1906; L. Finkelstein, *The Pharisees; the sociological background of their faith*, Philadelphia, 1946.

debts, prescribed by the Pentateuch for the "sabbatical year," proved an irksome restriction and was abolished by the institution of the "prosbol," enacted by Hillel.

Although the country as a whole was prosperous, the standard and conditions of living of the masses were far from satisfactory. A large proportion of the population had to find their livelihood as hired labourers, often on a day-by-day basis; they could never be certain of finding employment for each day. The existence of gentile slaves on the large estates and in the households of the aristocracy tended to depress the price of labour and to restrict still further the chances of employment. In addition, Roman taxation was very oppressive, especially for the small farmer; as much as one fourth part of all crops had to be given up for taxes. The masses were, thus, subject to great poverty, though not, as a rule, to actual starvation. Labourers had to be satisfied with a bare minimum of clothes; often a man possessed no more than one cloak with which to clothe himself by day and to cover himself at night. In the poorer quarters of Jerusalem, housing conditions were appalling, and labourers and artisans lived in crowded slums. Social antagonism sharpened, especially in Jerusalem, where the wealth and luxury of the upper city contrasted glaringly with the misery of the lower, working-class district. The growing social discontent brought about a revolutionary frame of mind in the masses, which added fuel to the nationalist emotions provoked by Roman oppression. This state of social fomentation was a contributory cause, at least, of the many rebellions and revolts, as well as of the growth of messianic movements.

After the disastrous defeat in the Jewish War and the destruction of Jerusalem, the economic life of the country declined rapidly. Agricultural output shrunk to a small part of what it had been formerly. Trade suffered greatly, and it would seem that many of the Greek merchants, who had hitherto stimulated commerce, left the country. Much, though not all, Jewish landed property had been confiscated by the Romans, and the impoverished population was far from able to reacquire it all. The burden of taxation became heavier still. There still remained some Jewish landowners, even on a considerable scale, especially

in Galilee. But the prosperity² of the country as a whole had disappeared and its economy been ruined. The saying of R. Shimeon b. Gamaliel (Soṭah 9.12): "Since the day of the destruction of the Temple, there has been no day without a curse," may be considered an apt summary of the situation. To make matters worse, there were frequent droughts in the period after 70 C. E., which often entailed starvation and death for many. Even in ordinary years, food was scarce enough for the poorer sections. Tos. 'Arakh. 4.27 permits the luxury of meat on every Friday only to those who own at least 50 manah. When Tannaim discuss questions such as whether a father is legally bound to feed his small children, they do not engage in theoretical speculation, but in the legal consideration of acute problems, which clearly reflect the terrible poverty afflicting parts of the people.

With the re-conquest of Palestine after the defeat of Bar-Kokhba by the Romans, the situation grew even worse. Most of the country was devastated completely, and the remaining population of Judaea was almost totally destroyed. Only in Galilee did Jewish life persist during the second century C. E. and after.

II. THE SOCIAL STATUS OF THE WORKING CLASS

Work and the worker were held in high esteem in tannaitic times. In sharp contrast to Greek thought, which considered physical work to be unworthy of a free man, labour (*mela'khah*) is praised throughout tannaitic literature, sometimes in almost exaggerated terms. It was held second in importance only to the study of Torah; but it is stated, more than once, that study of Torah, which is not accompanied by work, will do no good and lead to sin. A father was obliged to teach his son not only Torah, but also a craft or trade (*'ummanuth*); if he failed to do so, he was considered to teach him robbery. It is a well-known fact, that most Tannaim were themselves artisans; a good many were even day labourers.² No difference in social status appears

² There is no need to elaborate this point, which has been fully dealt with elsewhere. Cf. e. g. S. Krauss, *Talmudische Archäologie*, Leipzig 1910-12,

to have existed between the dependent wage-earner and the more independent artisan;³ nor was the worker considered socially inferior to his employer.

Although the majority of the population, including the Rabbis, their spiritual leaders, held labour and the labourer in such high esteem, this attitude did not, of course, extend to all classes. It certainly was not shared by the wealthy landowning nobility, most of whom lived in Jerusalem prior to the destruction. To this class wealth was the decisive social criterion; they considered themselves "noble," and were unwilling to mingle with the lower classes. This aristocracy lived in extreme luxury; while many a worker would not earn more than a denar a day, a widow from a patrician family was granted, in one case, four hundred denar a day for her personal expenses. Both on their vast estates and in their households, these patricians employed large numbers of slaves as well as free labourers; they were known to be very high-handed in their treatment of the latter and of the traders who supplied their needs.

While this wealthy class of landowners looked down with contempt on the working population, the latter by no means accepted the social standards of the rich. Due to the fact, perhaps, that learning had never become a profession, the majority of scholars belonged to the poorer classes, whereas the rich, on the whole, were void of any learning or intellectual attainments; even the priests, who associated with the nobility, were mostly ignorant and lacking in scholarship. The working masses of Jerusalem, especially, did not feel inferior to the rich socially, but took pride in their intellectual superiority, and returned contempt for contempt.

The urban working class, on their part, despised the country

II, pp. 249 ff.; N. N. Glatzer, *Geschichte der talmudischen Zeit*, Berlin, 1937, pp. 116 f.; *Encyclopaedia Judaica*, III, pp. 184 f., s. v. "Arbeiterrecht," and IV, p. 949, s. v. "Handwerk." A collection of most talmudic sayings in praise of labour will be found in B. Lewin's *Massekhet Po'alim*, Jerusalem, 5703 (1943), pp. 1 ff.

³ Their legal status, too, was identical; both were called "hired workers" (see below, pp. 271 f.). All legal provisions, e. g. the prohibition to delay payment, applied equally to the wage-earner and to the craftsman.

people, the 'am-ha'aretz. This feeling of contempt was shared, to some extent, by both the patricians and the plebeians of Jerusalem. The country-man was despised for his ignorance; moreover, he differed from the city-people in that he could not, or did not, observe the laws of purity as strictly as the former. He was also suspect of not observing the laws of *terumah* and the tithes conscientiously. When, after the destruction of Jerusalem the remainder of its inhabitants were scattered over the countryside, many of them continued to adhere to these laws, in spite of the hardships involved. Towards the end of the first, and during the second century C. E., the term 'am-ha'aretz lost its geographical connotation and came to stand for those parts of the population who were unobservant and ignorant of the law. Violent hatred of the 'am-ha'aretz for the scholar, and vice versa, was not uncommon. After the destruction, scholarship and conscientious observance of the law came to be increasingly the sole criterion of social status, in the eyes not only of the scholars themselves, but of the masses who accepted their guidance. It must be quite clear, however, that the 'am-ha'aretz was by no means identical with the working-class; on the contrary, most scholars were themselves workers, as stated before, while many of the rich, e. g., many of the estate owners of Galilee, were undoubtedly classed as 'am-ha'aretz.⁴ Tannaitic law specifically distinguishes between craftsmen who are and those who are not 'am-ha'aretz (Tos. Ṭohar. 8.9). Even those who were not scholars were not necessarily despised. In this connection a saying of the "Rabbis of Yabneh" is significant: "I am a creature, and so is my fellow; my work is in town, his in the fields; I get up early for my work, so does he; as he does not presume to do my work, so I do not presume to do his work; and if you would say 'I do more and he does less' — have we not learned: 'Whether one does much or little — as long as his heart is directed towards Heaven!' " (b. Berakh. 17a).⁵

⁴ Cf. Buechler, *The Economic Conditions* etc., p. 31, note 1.

⁵ For this whole section, cf. Finkelstein, *The Pharisees*, I, pp. 11 ff.; Baron, *Social and Religious History*, I, p. 204; G. F. Moore, "The Am Ha-ares," in F. J. Jackson and K. Lake (eds.) *The Beginnings of Christianity*, London 1920, pp. 439 f.

There were some individual trades which were held in contempt or objected to by the Rabbis. Ass-drivers, camel-drivers and some similar professions were considered "dishonest." Professions catering mainly, or exclusively, for women were also objected to. It is significant, however, that such discrimination was made on moral grounds only, but that no craft or profession was discouraged merely because it was dirty or unpleasant.⁶

The preference expressed in various places for agriculture as against crafts and trades, or vice versa, need not concern us here.

III. CATEGORIES OF EMPLOYEES AND TYPES OF EMPLOYMENT

The subject of this article excludes from detailed consideration the following categories: a) the slave (Hebrew or gentile), b) the tenant-farmer, leaseholder of land etc., c) the gentile labourer employed by a Jew. A few remarks about each of these must, however, be made before we turn to our main subject.

A. THE HEBREW SLAVE

According to tannaitic law, the institution of the Hebrew slave was bound up with the "year of jubilee"; when the latter had ceased to be in force, the former did not apply any longer either (cf. Baraitha quoted b. Giṭṭ. 65a; the year of jubilee only operates, according to Sifra on Lev. 25.10, at a time when all the tribes of Israel live in Palestine; it did not, therefore, apply any longer in the post-exilic period). Whether this meant, in fact, that no Hebrew slaves were kept at all by Israelites in tannaitic times, is not certain; the talmudic discussions on the status of the Hebrew slave do not necessarily reflect real life, but may be of an academic nature. The wealthy Jewish patricians certainly owned slaves, but those were probably gentile slaves. Hired labour being plentiful and cheap, the large capital investment, required for the purchase of slaves, was not profitable, on

⁶ Cf. Krauss, *T. A.*, II, p. 253, Glatzer, *op. cit.*, p. 117.

the whole. Slaves did not therefore play a prominent part in production in the period under review.⁷ If there were, indeed, Jewish slaves, they were most likely treated in accordance with Biblical law, which demanded their manumission after six years' service and, in various ways, secured for them favourable treatment. Thus, the Hebrew slave would have been in a position little different from that of a hired worker, employed for a period of six years.⁸ The gentile slave, too, was protected against ill-treatment by Rabbinic expansions of Biblical laws.

B. THE TENANT-FARMER, ETC.

Various types of tenant-farmer, such as the *'aris*, are mentioned frequently in tannaitic sources. They constituted the small peasantry, most of whom, in the course of time, had lost their own farms; the process of dispossession had been accelerated by the wars and revolts of the first and second centuries C. E. They now held their land from an estate-owner who retained a third or more of the harvest for himself; alternatively, the tenant-farmer undertook to supply a fixed quantity of produce to the owner. Neither of the two types of tenant can be considered an employee, as he did not receive a fixed remuneration, but a percentage of the crop. There was, however, a different arrangement practised frequently, whereby a landless farmer or agricultural labourer might undertake the cultivation of a field against a fixed wage; this must properly be considered a form of employment. The same person might, of course, hold a field as a tenant at one time, while cultivating land at a fixed wage at another time. On the other hand, a tenant-farmer might, occasionally, himself be an employer of hired workers, especially at harvest time. Hired labourers do not, therefore, constitute a clearly defined class, but border on, and overlap with, other social groups. Tenant-farmers often held their land under some permanent contract, and were, in fact, clients of the estate-

⁷ Cf. Finkelstein, *op. cit.*, I, p. 14; also, Baron, *op. cit.*, I, p. 197: "The . . . 'Hebrew' slave began to disappear altogether toward the end of the Second Commonwealth."

⁸ Cf. Krauss, *T. A.*, II, pp. 83 f.

owner; others again might lease a plot of land occasionally while, at other times, they hired themselves out as labourers.⁹

C. THE GENTILE LABOURER

There are hardly any references to the employment of free gentile labourers by Jews in tannaitic sources; this may have been due to the fact that their legal status was no different from that of the Jewish labourer. There was, then, no need to mention gentile workers specifically, except where some special provision applied to them (e. g. Tos. Pe'ah 3.1 forbids the employment of gentile workers for the harvest, as they were not familiar with the law of gleanings, etc.). Alternatively, one might suppose, that Jews were rarely in a position to employ Gentiles, and disliked doing so. There are more frequent references to the employment of Jews by Gentiles, usually to cases where religious objections are raised to such employment (e. g. 'Ab. Zar. 1.7 f.; 4.9; 5.1 f.; the cases mentioned include, e. g., the employment of a Jew on the construction of any building which might be used for purposes of idolatry).

D. THE JEWISH EMPLOYEE

The Hebrew word for employment is *sekkhiruth*,¹⁰ from the root *s-kh-r*, to hire. The verb *sakhar*, as well as the noun *sakhir*, are used already in the Bible for the hire, i. e. employment, of persons in somebody else's service. The same root is used, both in Biblical and in tannaitic literature, for the hiring and letting of objects; Hebrew law, like the Roman, makes no fundamental distinction between the hiring of objects and of services.¹¹ Employment appears as but one instance of the law of hiring (cf. the order of cases in Mishnah Baba Metzi'a, especially in chapter 6, where employment is dealt with as but one of many cases of

⁹ Cf. Krauss, *op. cit.*, II, pp. 108 ff.

¹⁰ The term *sekkhiruth*, employment, is used but rarely in tannaitic literature; as a rule, tannaitic sources avoid the use of the abstract term, since they are presenting their rulings in the form of case law. Rulings concerning employment are usually introduced with a formula such as: "He who employs (*sokher*) a craftsman . . ."; cf. e. g. B. Metz; 6.1; 7.1.

¹¹ Cf. D. Daube, *Studies in Biblical Law*, Cambridge 1944, p. 18.

hiring, e.g. of asses, cattle etc.). The root *s-kh-r*, as applied to the employment of persons, may be used either of a worker employed for a certain period of time and paid in relation to the time of employment, or of a worker employed on a "contract," i. e. a worker undertaking to complete a certain piece of work against a fixed payment, irrespective of the time required. In the case of the former, e. g., of a labourer employed and paid, for one day, all his working-time is at the employer's disposal; the "contractor," on the other hand, is free to devote as much or as little time to this particular job as he pleases. Sometimes in tannaitic literature (e. g. Tos. B. Metz. 7.3), and frequently in the Gemara, the former type is called *sakhir*, and the latter *qabblan*; more frequently, however, we meet phrases such as קבלו קמה לקצור (Tos. B. Metz. 7.1) to denote the "contract" or *qabblan* type of employment. Although *sakhir* in the narrower sense is used of the labourer employed by time (usually, the term occurs in construct form, followed by words such as *yom*, *hodesh* etc., designating the period for which he is employed; e. g., B. Metz. 9.11; Bar. quoted b. B. Metz. 58a), this does not debar the use of the same root, in its verbal form, for the employment of the *qabblan* (cf. e. g. Tos. B. Metz. *loc. cit.*, which starts with the phrase: "He who hires — *sokher* — labourers . .," and then proceeds, by way of example, to cases such as: "If they undertook to reap a field for two sela . .").

Most frequently, tannaitic sources speak of a man employing *po'alim*, labourers, or *'ummanim*, craftsmen. Normally the former term denotes the agricultural worker; his employer is often called *ba'al habbayith*, i. e. the farmer or land-owner.¹² The *'umman* is the skilled artisan; the term embraces a wide range of professions and skills, including, e. g., that of the physician. Both terms, however, are used loosely and are not exclusive of each other; the farmworker, too, might be called an *'umman*, and in many texts the two terms are interchanged.¹³ Although, in most cases,

¹² Cf. Krauss, *T. A.*, II, pp. 102, 252.

¹³ Cf. Krauss, *T. A.*, II, p. 252. Whereas, e. g., Mishnah B. Metz. 6.1 begins with the phrase השוכר את הפועלים 7.1 has השוכר את האומנים, although both deal with general matters which affect equally both types of employee. Moreover, the Tosefta explanatory of the former Mishnah begins with השוכר את הפועלים (Tos. B. Metz. 7.1), but the same text, as quoted b. B.

an *'umman* is employed on a "contract," he may also be employed on a time basis; a builder, e. g., may be employed as a *sekkhir yom* (Ex. R. 13). On the other hand, agricultural work is, sometimes, undertaken on a "contract" basis, as stated above. In other respects, too, the demarcation line between *po'el* and *'umman* is vague. The craftsman, in tannaitic times, and even today in oriental countries, frequently works in the employer's domain, like the labourer, though it was equally common for him to take the customer's materials to his own workshop.¹⁴ For the artisan, it was the rule to possess tools of his own; "there is no craftsman without tools," and "a carpenter who has no tools is no carpenter." But the *po'el*, too, sometimes owned tools or even animals.¹⁵

Although a *po'el* was, normally, employed for a short term, viz., a day, a week or a month, longer periods of employment occur quite often. It was common for agricultural workers to be employed for the whole of the season or for the whole year. There are also mentioned cases of workers who leave their homes and go to live with an employer for periods of three years, or even seven; in some cases, labourers would become permanent members of the employer's household, who would give them preferential treatment as compared to his casual employees.¹⁶ Other agricultural labourers, however, had their own houses and cultivated their own plot of land, in addition to which they accepted employment.¹⁷ Labourers did, of course, sometimes remain unemployed for a day or longer; but the "unemployed labourer" does not figure prominently in tannaitic literature,

Metz. 76b reads אומנין. M. Berakh. 2.4 states that אומנין may recite the *shema'* on the top of a tree or on top of a course of stones; the former case, in spite of the use of אומנין, obviously refers to an agricultural worker. The Palestinian Talmud, however, reads: "...labourers... on the top of a tree and craftsmen..."; cf. J. D. Herzog, *The Mishnah, Berakhot, Pe'ah, Dema'i*, New York 1947, p. 14.

¹⁴ Cf. Krauss, *T. A.*, II, *ibid.*

¹⁵ Cf. 'Abot dRN 22; Ex. Rab. 40; also Krauss, *T. A.*, II, p. 104.

¹⁶ Cf. b. B. Bathra 86b; b. Shabb. 127a; M. B. Metz. 9.11; also Krauss, *T. A.*, II, p. 102, and p. 499, note 706; and see below, p. 277, note 25.

¹⁷ A Baraitha, quoted p. Dema'i 3.1 and Tos. B. Metz. 8.2, prohibits a labourer to work his own land at night, while hiring himself out for the day.

except for some references to seasonal unemployment of agricultural workers (cf. p. 277).¹⁸

A list of Jewish workers, engaged in the production of stone coffins, which was found in the cave at Bethpage near Jerusalem, has been published by E. L. Sukenik ("The Cave at Bethpage and its Inscriptions," *Tarbiz*, vol. 7, pp. 102 f.). He concludes that there existed, in the first century C. E., workshops producing stone coffins, which employed many workers. A feature of special interest may be seen in that many of the workers mentioned in this list were Galileans who had come south, apparently, in search of employment. In the case of agricultural workers, we also find Galileans going to Judaea for long-term employment (cf. Bar. quoted b. Shabb. 127a).

Artisans' guilds are well attested for the Jewish community of Alexandria; but they existed in Palestine, too, to a considerable extent. In some cases, members of the same craft inhabited a particular street or quarter of Jerusalem. There also existed whole villages of artisans, all engaged in the same trade. Dyers and woolworkers used to make agreements among themselves, to buy jointly and to share all raw materials; agreements concerning average weights and prices were in force among bakers, and a kind of mutual insurance among ass-drivers. The right of the guilds to make such arrangements is specifically acknowledged in the Tosefta.¹⁹ Such examples of cooperation and mutual aid between members of the same craft do not, of course, imply the entire absence of competition and of feelings of envy or jealousy. "No man loves another engaged in the same trade" (Gen. R. 32) was a popular saying.

Some crafts were the well-guarded secrets of certain families; e. g., the making of the showbread and of the incense. These were very highly paid. In b. Yoma 38a, a number of incidents

¹⁸ Cf. e. g. Mat. 20.7 f. Krauss refers several times to the "unemployed agricultural worker" (pp. 102, 252); this, apparently, is his rendering of the phrase *po'el ba'el*. It will be shown below (pp. 280 f.) that this is a misinterpretation of the term; this being so, there is no foundation for his assertion, which is echoed in more recent works, e. g. Baron, *op. cit.*, that the "unemployed agricultural labourer" is a "recurrent figure."

¹⁹ Tos. B. Metz. 11.24-26; cf. Krauss, p. 257 and Baron, p. 193.

are reported when these families "went on strike," when requested by the Rabbis to teach their skill to others. In the end, the sages had to give in and were even compelled to double their former wages.

There are no specific references to the status of women employees, though women were undoubtedly employed in various capacities. Thus we find women working in the fields during the harvest, alongside their husbands (cf. e. g. B. Metz. 7.6). In general, however, field-work was known as מלאכת אנשים, in contrast to domestic work which is called מלאכת נשים (cf. Krauss, *T. A.*, II, p. 102). In Tobit 2, it is reported that Anna did spinning "in the women's chambers" and received wages for her work from the "owners." It may have been quite common for women of the poorer classes to do work of this type, probably on a "contract" basis. It should be mentioned, in this connection, that a wife was held obliged by law to do a certain amount of work for her husband, including housework, personal service, and spinning of wool; in the opinion of some Tannaim, this applied even to a wealthy woman who had brought one or more maidservants with her into marriage (cf. M. Kethub. 5.5 and Baraithoth quoted b. Kethub. 59b). In B. Qam. 10.9, reference is made to women selling the wool, which they have spun, to dealers.

IV. WAGES

A. NORMAL WAGES

Tannaitic labour-legislation does not provide any legally fixed standards of wages.²⁰ It appears to look upon the relationship of employer and employee as, essentially, a voluntary agreement, freely entered into by the partners; for this reason, it refrains from imposing terms upon it, on the whole. Apart from the consent of the two parties, the level of wages depended on the law of supply and demand and, to a large extent, on local custom. In some places, there existed local wage-regulations; tannaitic

²⁰ Talmudic law does not lay down fixed standard wages either; nor did Biblical law.

law expressly recognizes the right of "the people of the town . . . to make agreements . . . concerning the wages of workers" (Tos. B. Metz. 11.23).

The normal wage of the day-labourer, the *sekhir yom*, was one denar per day; this amount is mentioned very often though, at times, amounts as high as a sela (=4 denar) per day occur (as the wage paid to agricultural workers during the harvest). Some workers only earned as little as half a denar a day. Among the lowest paid employees were guardians of fruit or produce, such as "watchmen of cucumber fields." As this type of employment required no physical exertion, even old people and cripples were good enough for it. On the other hand, some artisans, possessing special skill, among them the specialists employed in the Temple (cf. above, p. 273), were paid far higher wages.²¹ Although there was a customary standard of wages in most localities, there were occasions when wages were fluctuating and when some workers might receive 3, others 4, denars.

The local standard wage could be disregarded entirely, if the employee was agreeable to accepting a reduced wage; neither law nor custom would interfere with what the worker agreed upon freely.²² The standard wages fixed by custom or regulation were of importance mainly in cases where no clear stipulation

²¹ Cf. Tobit 5.14 (1 drachme=1 denar); Gen. R. 61; b. B. Bat. 86b; Mat. 20.2. Cf. also Krauss, *T. A.*, II, p. 105, and Strack-Billerbeck on Mat. 20.2; also Finkelstein, *op. cit.*, I, p. 15. Mishnah Shebi'ith 8.4 mentions one 'issar as the wages of a day labourer, which is extremely unlikely (24 'issar = 1 denar); the same Mishnah, as quoted b. Ab. Zar. 62a, however, has denar in place of 'issar. For the value of the various coins, cf. J. Levy, *Neuhebräisches und Chaldäisches Wörterbuch*, s. v. 'issar.

For the employment of cripples as keepers of produce, see B. Qamma 8.1, where compensation in cases of assault and injury is based on the assumption that even a man who had lost an arm or leg could find employment as a "guardian of a cucumber field." See also Mekhilta, *beshallah*, 11a, and b. Sanh. 91a, for a parable of a king employing two watchmen one of whom is lame and the other blind; this may be considered quite a realistic feature.

²² This is assumed throughout the discussion in b. B. Metz. 76a, though not stated specifically in any tannaitic source. But as tannaitic law does not fix standards of wages, the question of a deviation from such standards does not arise. Even delay of payment, prohibited by Biblical law, is permitted, when the worker agrees to it (cf. below, p. 288).

had been made regarding the amount of wages. At times, an employer would tell his workers that he would pay them "whatsoever is right" (Mat. 20.7), or that he would pay them the same "as other workers in town" (כאחד וכשנים מבני העיר); the ruling of a Baraitha (quoted b. B. Metz. 87a) is that he must pay them, in the latter case, according to one view, the local minimum wage, and according to another, the local average wage. Very often, no explicit agreement was made concerning wages, especially in the case of day-labourers who were employed סתם, both parties relying on local custom.²³ Even where there had been no agreement between employer and employee at all, e. g., where workers had gone, by mistake, to work in the field of a man who had not employed them, the latter was obliged to pay them "according to the benefit he had received" from their labour (Tos. B. Metz. 7.7). The employer's obligation to pay appears to be based, essentially, on the services rendered and the benefit received, rather than on the terms of agreement; the provisions of the latter only established the rate of payment, not the obligation to pay as such (cf. I. Herzog, *The Main Institutions of Jewish Law*, II, p. 167).

In some cases, moreover, the employer was not obliged to pay even the wages which had been stipulated explicitly. This would apply where the employee had taken advantage of the employer's special need or predicament, by exacting a promise of exorbitant wages. Thus, in the case of a worker threatening to retract from urgent work (דבר האביר), the employer is permitted to "deceive" him, i. e. promise him higher wages, which he need not, in the end, pay (see below, p. 294 f.). Similarly, one escaping from prison, who has had to promise a ferry-man extra pay to take him over the river, is obliged to pay him only his normal wages (Bar., quoted by B. Q. 116a). Another case, where workers are paid at a lower rate than agreed upon, is that of the *po'el ba'el*, dealt with below.

The worker often found himself unemployed for the day and would then accept employment, even though it was offered at lower wages, or without stipulating any wages at all (cf. e. g.

²³ Cf. Deut. R. 6.2; Lev. R. 24; Tanhuma ki thetze' 19b; Mat. 20.7.

Mat. 20).²⁴ There was also seasonal unemployment, among agricultural workers in particular, which had the effect of lowering wages in the slack season, and raising them during harvest time. Employers would exploit the need of the unemployed worker by offering him long-term employment at the lower rate in force during the slack season; by paying him his wages in advance, they would make sure that he would continue to work for them for the lower wages during the harvest.²⁵ The inducement of payment in advance during the slack season, when money was short, was sufficient for workers to accept employment at a much lower rate of pay, even for the harvest only; but this practice was prohibited legally.²⁶ Some workers even accepted employment for which they received no wages other than their food.

In many cases, workers were not paid by the day but by the week, the month, or the year. They were then entitled to payment for the Sabbath, if their work was of such a nature as could be performed on the Sabbath, e. g., guarding of fields or cattle; cf. Bar., quoted b. Metz. 58a. Workers who had been employed until or during the sabbatical year, did not lose the wages owing to them; they were excluded from the cancellation of "debts," as a special concession (cf. Shebi'ith 10.1). Some types of labourers were employed on piece-work (cf. Bar., quoted b. Ab. Z. 65a; Lev. R. 19). Ass- and camel-drivers

²⁴ Cf. Krauss, *T. A.*, II, p. 102: "In times of unemployment, a worker would gladly accept even half his usual wage."

²⁵ There would be advantages in such a long-term arrangement to both parties, apart from the saving in wages to the employer and the advance payment to the worker. Sifra on Lev. 26.9 reflects the preferential treatment which the employer would offer to the long-term employee whom he could trust more than the casual or seasonal worker.

About long-term employment see also p. 272.

Concerning the worker's inability to retract, when he had received advance payment, see below, p. 303.

²⁶ Bar., quoted B. Bath. 86b. According to the Gemara, *ibid.*, this practice was prohibited, because it was considered similar to lending money on interest, as the worker accepted less than his due for the sake of receiving payment in advance. Legally, wages or any kind of hire were payable only at the end of the period of employment; cf. B. Metz. 65a; Krauss, *T. A.*, II, p. 104.

were paid according to the distance they travelled.²⁷ Even more frequent was employment on a "contract" basis, cf. above p. 271.

B. PAYMENT OF A PO'EL BAṬEL

There are a number of references to the rates of payment of a *po'el baṭel* in Mishnah, Tosefta, etc. None of these refer to the *po'el baṭel* himself but to cases where someone is to be paid for certain work *kepo'el baṭel*, i. e. according to the rates of wages applying to the latter. No satisfactory attempt has been made, to our knowledge, to explain these passages and to determine what is meant by a *po'el baṭel*. It will therefore be necessary to examine all the passages in question.

a) In B. Metz. 2.9 it is laid down that the finder of lost property may claim payment *kepo'el baṭel* for time lost in taking charge of it.

b) In B. Metz. 5.4 it is prohibited to set up (i. e. lend money to) a shopkeeper, on condition of receiving half the profits, unless the lender pays the shopkeeper wages *kepo'el*. The version of the Mishnah, quoted in the Palestinian Talmud (cf. *Der Jerusalemische Talmud*, Berlin 1920), reads here, too: *kepo'el baṭel*. So does a Baraitha, commenting on this Mishnah (b. B. Metz. 68a). In the Tosefta (B. Metz. 4.11) three different opinions are given concerning the rate of payment of the shopkeeper, one of which (R. Me'ir's) is, that he is to be paid *kepo'el baṭel*; this view would seem to coincide with that of the Mishnah.

c) In Bekhoroth 4.6 it is laid down that, whereas it is forbidden to take payment for acting as a judge etc., one may pay a judge *kepo'el*. Here, too, a Baraitha (quoted b. Bekhor. 29b) comments that this means *kepo'el baṭel*. Tos. Bekhor. 3.9 also mentions payment *kepo'el baṭel* in this connection.

The above are the only cases where the term *po'el baṭel* is mentioned in tannaitic literature. There is a further reference to it in a statement of Rab in b. B. Metz. 76b, to which we shall turn presently.

²⁷ Krauss, *T. A.*, II, p. 334, quotes a Baraitha, according to which ass-drivers were paid 1 zuz for 10 Persian miles, but 2 zuz for 11 miles; there were, apparently, fixed stages at fixed prices.

These three cases all have one feature in common: they deal with situations where services performed must be paid for but cannot be paid for at the full rate of remuneration. In B. M. 2.9 and in Bekh. 4.6, the difficulty lies in that the services performed are of the nature of a religious commandment (*mitzvah*), and payment may be claimed only for lost time, without regard to the "work" performed. In B. Metz. 5.4, payment must be made, because otherwise the labour of the shopkeeper might be regarded as usury paid for the loan of the capital; nevertheless, full payment would be out of place, for the shopkeeper is working also for his own benefit, partially at least.

If in these difficult and unusual cases payment is to be made as to a *po'el batel*, we must conclude that

a) the *po'el batel*, and the rate of payment applicable to him, were well-known facts,

b) there must be some reason why payment in those cases should be based on that of the *po'el batel*,

c) the rate of payment of the *po'el batel* was a definite and clearly defined one, not one which varied with each individual case.

One of the explanations offered for the conception of "payment like that of a *po'el batel*" is that of the Amora Abayi in b. B. Metz. 31b: "What does *kepo'el batel* mean? Abayi says: like an idle labourer of the particular work in which he was disturbed."

This explanation, offered over a century after the redaction of the Mishnah, can hardly be said to express its true intention. It is understood by Jastrow (*A Dictionary of the Targumim, the Talmud Babli, etc.*, s. v. *po'el*) to mean that payment in these cases must be "as much as a labourer in that line would ask for stopping work on which he was engaged (which would be less than he would earn by working)." This amount would, of course, differ in each case according to the skill of the labourer, his usual rate of payment, etc. Moreover the whole situation is highly hypothetical as, in the normal course of events, nobody offers a worker money to stop work. By stating that in these cases payment must be made as to a *po'el batel*, the Mishnah would leave the actual amount to be paid vague and indefinite; it would, in effect, say no more than this: if a man has to stop

work in order, e. g., to restore lost property, that man must be paid at the rate of payment which he would demand in order to stop work. We feel justified, therefore, to rule out Abayi's interpretation of the term and all later interpretations based on it.

An alternative interpretation, also mentioned by Jastrow (*ibid.*), is that one must pay as much "as a labourer out of work would take rather than be idle." This explanation is, apparently, accepted by scholars such as S. Krauss and S. W. Baron who base on it general conclusions about the extent of unemployment in tannaitic times (cf. above, p. 273, note 18); Baron (*op. cit.*, I, p. 198), for instance, writes: "There were a large number of unemployed (*Poalim betelim*) as indicated by the Talmud."

We submit that, beyond the fact that *batel* means indeed "idle," there is nothing in the texts speaking of *po'el batel*, which would suggest that reference is made to unemployed labourers. For one thing, the amount which an unemployed labourer would take rather than be idle must have varied in each case; it can have been nothing like the fixed rate of payment to which the above texts are, obviously, referring. What is more, one can think of no reason why the Mishnah should rule that the rate of payment for a man who gives up his work in order to restore lost property, etc., should be equal to the payment which an unemployed man would ask for doing work. Besides, if the *po'el batel* was, in fact, an unemployed worker and, as such, was a well-known phenomenon, it is difficult to conceive that no reference should be made to him anywhere, except in these cases where someone, who is not unemployed, is to be paid at the same rate.

A different explanation of the term *poel batel* is, therefore, clearly required. It must take into account the three points mentioned above, and it must also account for the fact that *po'el batel* is invariably referred to in connection with rates of payment.

We believe that the passage in b. B. Metz. 76b, mentioned before, will throw light on the matter. There Rab, one of the first generation of Amoraim and himself still a disciple of R. Jehudah haNasi', the redactor of the Mishnah, comments on the

Baraitha (Tosefta), which rules that an employer must pay his workers full wages (שכרו משלם), although they were unable to carry out the work (cf. below, p. 296 ff.). The passage runs: "A tanna recited before Rab: he must pay them their full wages. He (Rab) said to him: Ḥabibi²⁸ said: 'Were it I, I should have paid them only as a *po'el baṭel*.'" To this, the Gemara objects: "But it has been taught thereon (i. e. as the conclusion of the above Baraitha): but one who travels with a load is not like one who travels empty-handed, nor is one who does work (עושה מלאכה) like one who sits idle (יושב ובטל)," and replies: "It (the recital of the Baraitha) had not been completed before him."²⁹

This text clarifies two significant points: a) that the *po'el baṭel* is the same as the *yosheb ubaṭel* of the Baraitha and is contrasted to *'oseh melakhah*; b) that the rate of payment of a *po'el baṭel* is that of an employee who was prevented from carrying out the work for which he had been employed and is contrasted to the full wages (*sakhar moshlam*) due to a labourer in the normal course. Thus it emerges clearly that the *po'el baṭel* is not an unemployed labourer but a worker employed for work which cannot, in fact, be carried out, owing to weather conditions or the like; although he had, in fact, been "sitting idle," i. e. remained unoccupied, he can claim payment from his employer, but at a reduced rate. The phrase used in the Baraitha (and Tosefta): "he gives them their full wages; but . . . one who does work is not like one who sits idle," is thus equivalent to saying: "he gives them the wages of a *po'el baṭel*."

The case of a worker, and of an agricultural worker in particular, who was prevented from carrying out the work for which he had been engaged, must have been a common one. As

²⁸ According to Rashi, "Ḥabibi" refers to R. Ḥiya, Rab's uncle. According to another version, quoted by Rabbinowicz, *Variae Lectiones*, XIII, p. 214, the text should read: "He said to him: 'Ḥabibi . . .'"; "Ḥabibi" would thus be Rab's form of address of the tanna.

²⁹ The second version of Rab's comment, given in the Gemara *ibid.* need not, we believe, be taken into account. It is obviously an "improved" version, which should obviate the assumption that Rab (or R. Ḥiya) had been ignorant of the complete text of the Baraitha on which he was commenting.

the law insisted that he had to be paid, it is only to be expected that there should have come into existence a customary rate of reduced payment applicable to such cases. Obviously, the worker himself would agree to take slightly less payment when he had done no work at all. This lower rate of payment "for wet days," as we might call it, must have been well-known to anyone concerned with employment.

Returning to our original Mishnah passages, both that in B. Metz. 2.9 and that in Bekhor. 4.6 are now easily explained. A person who loses his working-time is entitled to claim payment; but since the work he performs is of the nature of a *mitzvah*, he must not claim payment for the work performed. Thus the cases correspond exactly to that of the *po'el batel* who receives payment not for work done but only for time lost, and the same rate of payment may, logically, be applied.

In the case of the "shopkeeper" (B. Metz. 5.4), the position is not so clear. Here the crucial point is that he must receive some payment so as to avoid the appearance of usury. As to the amount of payment, different views are put forward, of which that given in the Mishnah is only one. In Tos. B. Metz. 4.11 R. Jehudah takes the view that a nominal remuneration is sufficient; R. Shime'on insists on full wages; R. Me'ir takes an intermediate view and suggests payment *kepo'el batel*.³⁰ R. Shime'on's view is expressed in the phrase: נותן לו שכרו משלם שאינו דומה העושה מלאכה וכו' which should be rendered: "He gives him his full wages, for one who does work is not like one who sits idle." Although these words are almost identical with those of the Baraitha in b. B. Metz. 76b, the meaning is the very opposite. The Baraitha, speaking of workers who have, in fact, not done any work, rules that they must be given "full wages," but immediately qualifies this with the remark: "but one who works is not like one, etc."; that is to say, that "full wages," here, means those of a *po'el batel*. Here, however, the Tosefta speaks of the shopkeeper who is actually doing work; therefore, he is to be paid "full wages" and not, as R. Me'ir suggests, like

³⁰ Whether R. Me'ir's view as quoted in the Tosefta coincides with his view as given in a Baraitha, b. B. Metz. 68b, need not here be discussed.

a *po'el ba'el*, because "one who does work is not like one who sits idle."

These rates of payment, applicable to a worker who, perforce, sits idle, must not be confused with the rate of wages of an employee, such as a watchman or keeper, of whom no physical exertion is required. The latter, as mentioned above, would receive a lower wage than an agricultural labourer doing hard physical work. It is the *po'el*, the ordinary agricultural labourer, who is hired for tasks such as hoeing, weeding, ploughing, etc. that we are concerned with here; it is to him that the reduced rate of payment of the *po'el ba'el* applies, when circumstances prevent him from doing his work.^{30a}

C. ADDITION TO WAGES

Over and above the stipulated or customary wages, the employer would often "add something to the wages," as a kind of bonus. This practice is mentioned already in Tobit; in ch. 2

^{30a} Cf. also H. Heinemann, "Payment of a *Po'el Ba'el*," *Journal of Jewish Studies*, London and Cambridge, I, pp. 178 ff.

In the 1952 edition of his *Social and Religious History of the Jews*, I, p. 412, note 28, S. W. Baron takes note of this author's criticism of the rendering of *po'el ba'el* as "unemployed worker." He argues that the alternative explanation, that the phrase refers to an ordinary worker, temporarily idle for reasons such as the weather, does not remove the main difficulty of estimating the exact amount of wages due which "doubtless varied greatly by occupation, region and time." He overlooks this author's assumption that the term *po'el* refers normally to the ordinary *agricultural* worker, as has been shown already by Krauss; as regards variation by region, this hardly affects our argument, as "normal" wages also depended on *local* custom. This author does not maintain that there necessarily existed a "constant ratio" between the wages of an idle worker and regular wages, but that in each locality there existed, side by side with the regular rate for agricultural workers, a rate for "wet days," since the latter, obviously, occur frequently during the rainy season which, in Palestine, is also the main agricultural season for all types of work other than harvesting. Such special rates for wet days are customary to this day in many countries. We cannot agree with Baron's assertion that "far greater stability might be expected in the case of wages paid to unemployed labourers of any kind, particularly in periods of mass unemployment," especially in view of the absence of any evidence that mass unemployment ever existed in tannaitic times.

we are told that Anna received a kid, in addition to her wages, for her spinning; in ch. 5 Tobit employs a travelling companion for his son at a drachma a day and promises "to add something to his wages," if they would return safe and sound. Aggadic texts, too, often refer to workers receiving more than their due;³¹ so does the parable of the labourers in the vineyard, Mat. 20. Most of these texts mention discrimination on the part of the employer who singles out some workers for extra payment while others, to their great resentment, receive only what is due to them. By means of such a bonus, the employer probably expressed his satisfaction with a good worker and tried to stimulate the others to a greater effort.

In the case of agricultural workers, there also was the privilege to eat of the produce and to take their share of gleanings etc. These points will be dealt with below.

D. PAYMENT IN CASH OR KIND

According to B. Metz. 10.5, the employer was not permitted to pay his workers in "straw or stubble," unless they had agreed to it. A Baraitha (quoted b. Shabb. 127b) tells of a labourer who asked for his wages in cash; on being told that the employer had none, he declared himself willing to accept payment in kind, such as produce or cattle. Whether the ruling of the Mishnah means to prohibit payment in kind altogether or only payment with inferior products, such as straw, is not clear.³²

³¹ Deut. R. 6.2; Lev. R. 24; Tanhuma *ki thetz'e*. Though all these texts are parables and need not be altogether realistic, there can be little doubt that such features as the extra pay given to some workers, to the annoyance of the others, reflect actual life.

³² A controversy on this point is found between two mediaeval Talmudists: Maggid Mishneh, on Mishneh Torah, Hilkh. Sekhiruth, 9.9, holds that a worker may be paid in cash only; while Hagahoth Maimonith, *ibid.*, quotes an opinion that the employer may pay his workers in goods of high quality, e. g., in corn. Prof. Krauss deduces from our Mishnah that payment in kind was sometimes practiced, without mentioning that this practice was prohibited legally, at least as far as payment in "straw and stubble" was concerned (cf. *T. A.*, II, p. 105).

It is noteworthy that this ruling is a departure from the general principles of tannaitic civil law. With regard to other monetary obligations, e. g., payment of debts or compensation, payment may be made in kind; and any kind of goods, even inferior ones, are admissible.³³ Here, an exception is made from this rule, for the benefit of the worker. The motive, presumably, is the Biblical one: "for he is poor and setteth his heart upon it"; as the worker may need his wages for the day to buy food and other immediate needs, he must not be paid in goods, of which he might have difficulty in disposing.

E. DISPUTES CONCERNING WAGES

Disputes over wages would arise either when the parties differ as to the amount of wages agreed upon in the first place or where the employer maintains that wages have been paid, while the employee denies this. In this latter case, the Mishnah (B. Metz. 9.12 and Shebuoth 7.1) rules that the worker need not prove his claim; he is only required to take an oath that he has not received his wages yet. This privilege is another departure from the general principles of tannaitic civil law which, normally, requires the claimant to bring evidence (witnesses) in support of his claim. The special ruling, where a worker's claim for his wages is concerned, is called by the Gemara (b. Shebuoth 45a) חקנה גדולה, a great ordinance. The oath taken by the employee is, however, considered sufficient only when the claim was made "within the proper time," i. e. within the time-limit specified in the Pentateuch for the payment of wages, which is discussed in B. Metz. 9.11, 12,

³³ Concerning compensation for damage, a Baraita, quoted b. B. Qam. 14b, interprets Ex. 21.34: "he shall return money (*keseph*) to its owner" to include payment in kind, even in inferior goods. Concerning a betrothal of a woman, a very old Mishnah (Qidd. 1.1 and 'Eduyoth 4.7) states, that a woman can be "acquired for money" (*keseph*); this is interpreted by Beth Shammai to mean "a denar, or goods of the value of a denar," while Beth Hillel say: "a perutah, or goods of the value of a perutah." This principle כסף כסף שוה would hold good equally for any other type of purchase, payment of debts, etc. It should also have applied to the payment of wages, had it not been for the special considerations arising in this case.

immediately prior to this ruling. If a dispute of this kind should arise, after the time-limit had elapsed, it would be assumed that the employer had paid up, unless the worker could bring evidence to the contrary.³⁴

This privilege does not apply where the dispute concerns the amount of wages that had been agreed upon. In such cases, the general norms of civil law hold, in particular the rule: **המוציא מחברו עליו הראיה**, "The claimant must bring proof for his claim." Unless the worker can bring witnesses in support of his claim, this rule would work, on the whole, to the advantage of the employer; but in the case of a craftsman, who has made or repaired some article which he still retains in his hands, it would operate in favour of the craftsman (Baraithoth, quoted b. Shebuoth 45a and 46b; Tos. B. Metz. 7.17 and 10.6). The rule: **האומנים . . . אין להם חוקה**, "Craftsmen . . . cannot secure title by usucaption" (B. Bathra 3.3), does not refer to disputes over wages, but to disputes concerning the ownership of an object. In such cases, usucaption would normally be taken as proof of ownership, in the absence of other evidence; not so, however, in the case of a craftsman who is in the habit of handling, and keeping on his premises, other people's belongings.

Where the worker had been instructed to claim his wages from a shopkeeper, and a dispute arose between them whether payment had been made, both the worker and the shopkeeper will receive what they claim to be due to them, from the employer; according to one opinion, with, according to another, without taking an oath (Shebuoth 7.1). This is another special piece of legislation to protect the worker against the loss of his wages, which had become necessary when the custom to pay labourers through merchants, etc. became more frequent.

³⁴ According to Tos. Shebuoth 6.1, it is sufficient for the worker to bring evidence that he made his claim "within the proper time" in the first place. If he brings this evidence, he can take an oath and collect his wages, even after a year, according to R. Hīya's opinion; in R. Jose's opinion, however, he can do so only on the same day, according to a Baraitha quoted by Alfasi on Shebuoth 7 from the Palestinian Talmud. Cf. also: Sh. H. Kook, "Abar zemano' le'inyan shebuath sakkir," *Sinai*, vol. XI, 9-10, Jerusalem; and Sh. H. Kook, "Shonoth," *Sinai*, vol. XI, 1-3.

V. DELAY OF PAYMENT AND WITHHOLDING OF WAGES

It appears to have been one of the main concerns of Biblical labour-legislation to prevent delay in payment of the hired worker. The two relevant passages, Lev. 19.13 and Deut. 24.14 f., lay down that the labourer must be paid "on the same day," and that his wages must not tarry with the employer "till morning." This is a strict injunction to which great emphasis is given particularly in Deut. by the warning sequel of v. 15. No exceptions are, apparently, contemplated. The dependence on, and the desire of the *sakhir* for, the prompt payment of his wages was so common a phenomenon that it gave rise to the coining of phrases such as "as a hireling looketh for his wages" (Job 7.2).

In tannaitic law, this Biblical injunction is not upheld in its original simplicity and severity. It is modified considerably, with the effect that it becomes applicable only under special conditions, and that it loses its emphatic and uncompromising character.

The more important modifications of this law must be examined in detail:

a) Sifra on Lev. 19.13 asks: "Does he (the employer) also transgress if the worker has not come to claim his wages?" and deduces from the word *'itkha*, with thee, that the employer only transgresses when he retains the wages arbitrarily. (Cf. also B. Metz. 9.12).

b) From the same word, Sifra (*ibid.*) deduces that, when the employer has deposited the wages with a money-changer or with a merchant, he does not transgress (even though the worker may be unable to collect them the same day). Tos. B. Metz. 10.5 remarks that in this case the merchant would transgress the prohibition, if he delayed payment, except if the worker had agreed to this arrangement beforehand.

c) A Baraitha, quoted b. B. Metz. 112a, deduces, again from the word *'itkha*, that the employer only transgresses when he has got the money in hand to pay the wages; but not, if he has no money.

d) Sifre on Deut. 24.15 deduces from the phrase "for he setteth his heart upon it," that no transgression occurs where the employer had arranged with the worker to pay him later — *perat leshepasag 'imo*.

e) Sifra on Lev. 19.13 and B. Metz. 9.11 take this verse to refer to a worker employed for the day; the phrase "till morning" is taken to extend his time of payment over the whole of the night. Deut. 24.15 is taken to refer to a night worker whose time of payment is thus the whole of the day. In either case, a delay of up to 12 hours is thus considered permissible.

f) Tos. B. Metz. 10.5 states that, where the employer instructed an agent to hire workers, neither the employer nor the agent transgresses this injunction, if he delays payment.³⁵

g) Sifra (*ibid.*) interprets the phrase "till morning": "He only transgresses until the first morning." From b. B. Metz. 110b this is understood to mean that, once payment has been delayed until the morning, no further transgression is committed by further delay.

h) On the other hand, the injunction against delay of payment is extended (B. Metz. 9.11) to include also workers hired for periods of a week, month, year, etc., as well as artisans working on a "contract" basis. It is also taken to apply to a delay of payment of hire or rent, for animals, utensils, or even land (see also Sifra, *loc. cit.*).

There can be no doubt that this treatment of the Biblical law leaves little of either its spirit or its substance. It is treated, on the one hand, rather technically, when, e. g., distinctions are made between day and night workers and when the injunction is extended indiscriminately to cover any kind of hire, even the hire of land, where the humanitarian consideration, which prompted the Biblical law, can hardly be said to apply; it is unlikely that the landowner is "poor and setteth his heart upon" the rent.³⁶ On the other hand, the actual purpose of the law, to

³⁵ According to the Gemara (b. B. Metz. 111a), this decision applies only when the agent said: "Your wages are the responsibility of the employer"; but this was, presumably, the normal procedure. Agents were used frequently, especially by absentee landlords, to employ workers; cf. Krauss, *T. A.*, II, pp. 102 f.

³⁶ It is typical of this technical treatment and of the disregard for the

ensure prompt payment of the labourer, is almost entirely whittled away; no doubt because changed economic conditions made this strict injunction an awkward burden, at times. In the expanding economy of tannaitic times with its "growing capitalist activities" (cf. above, p. 263), the law in its original form was bound to be an obstacle to the smooth running of affairs. The very fact, that payments of wages through a banker or in the form of credit with a shopkeeper, had become quite usual and, apparently, quite acceptable to the workers themselves who were usually dealing with an agent, not with the employer himself, made some modifications of the original law inevitable.

This tendency was carried a good few steps further in talmudic times when Babylonian Jewry had moved away even further from the simple agrarian economy of the Biblical period to a complex, highly commercialised form of society. In b. B. Metz. 111a it is reported that two Amoraim, Meremar and Mar Zutra, had an arrangement by which they hired workers for one another regularly, so as to evade the prohibition concerning delay of payment. It is also stated categorically by Rabba b. R. Hunna, that the market-merchants of Sura did not transgress any prohibition regarding the payment of their employees, although they did not pay them till the market-day; for everybody relied on the market-day for the settling of accounts.

This development away from the strict application of the Biblical prohibition appears to be foreshadowed in the book Tobit. In Tobit's "testament," his son is admonished: "Let not the wages of any man, which has wrought for thee, tarry with thee, but give him out of hand" (4.14).³⁷ No mention is

original intention of the law that tannaitic sources throughout use phrases such as *שכיר יום טובה וכו'*, "a worker may claim his wages all night," etc., instead of emphasizing the onus of the employer, by using some such phrase as "the employer is obliged to pay his workers, etc." Cf. B. Metz. 9.11; Sifre Deut. 24.15; Sifra Lev. 19.13; Tos. B. Metz. 10.2.

³⁷ H. C. Ball, in his translation of the Apocrypha in the *Variorum Reference Bible*, London 1892, suggests a "variant rendering": "tarry with thee overnight." As he does not quote any source for this variation, which is not contained in the Greek text, it is to be assumed that he simply intended to harmonize our text with its obvious source in the Pentateuch. It does not seem to have occurred to him that the omission of the Biblical time-limit may have been intentional. R. H. Charles, in *The Apocrypha and Pseudo-*

made of any particular time-limit. This is confirmed when in ch. 12 Tobias' travelling companion is given his wages not immediately after their return but some time later, after the wedding.

A further pointer in the same direction can be found in Prov. 3.28, if we accept the assumption of the Talmud (b. B. Metz. 110b) that this verse refers to the payment of a hired worker. H. C. Toy, in the *International Critical Commentary*, sees "no ground for restricting the injunction to paying a hired man his wages." However, the talmudic interpretation fits in well with the situation envisaged by the verse when it says: "Say not to thy *re'a* 'Go and come again and tomorrow I will give,' when thou hast it by thee"; this is precisely the attitude, which the Pentateuch wants to prevent in the case of the hired worker.³⁸ Moreover, the words *umahar 'etten* appear to be con-

epigrapha, Oxford 1913, p. 212, makes no suggestion of any different version of this verse.

M. Gaster ("Two unknown Hebrew Versions of the Tobit Legend," in *Studies and Texts* etc., London 1925) has discovered and edited two Hebrew versions of Tobit, which he considers reliable to a high degree. In one of the versions, the verse in question reads: וְהִשָּׁב לְאִישׁ פְּעֻלוֹ, שָׂכְרוֹ בְיוֹמוֹ חֲתָן, וְאֵל יִלִּין עִמָּךְ שָׂכָר שָׂכִיר, thus clearly maintaining the Biblical time limit. We venture to suggest, however, that, irrespective of the general reliability of the text, where a translation into Hebrew is concerned, the natural tendency would be to approximate one's text as far as possible to the Bible; this would account, in our case, for the substitution by the translator of the Biblical injunction in its original terms for what must have appeared to him a vague paraphrase of the latter.

Concerning the date of Tobit, W. O. E. Oesterley, *The Books of the Apocrypha*, London 1914, decides on the early second century B. C. E., prior to the Maccabean struggle.

³⁸ It is quite possible that the whole passage Prov. 3.27-30, which forms a little section of its own, "out of harmony with the context" (cf. W. O. E. Oesterley, *The Book of Proverbs*, London 1929), refers not to a man's duties towards his neighbours in general but to his obligations towards his dependents in particular. The reference in v. 27 to the "withholding of good" from "them to whom it is due," if this can be accepted as a correct rendering, certainly suggest an obligation on the part of the giver, such as the obligation to pay wages to one's employees. V. 29 might well refer to a hireling, living in the employer's house; perhaps the root *y-sh-b* is used in the technical meaning of *toshab*. V. 30 might have in mind the case of the arbitrary dismissal of a faithful dependent, who is thus deprived of his livelihood.

trusted directly to *beyomo titten* in Deut. 24.15, and the word *'itkha* to have been borrowed from Lev. 19.13. When we take into consideration, in addition, Sulzberger's view in *The Status of Labour in Ancient Israel*, p. 97 f., that *re'a* may be used in the Bible as a technical term, referring to the Israelite *sakhir*, in contradistinction to *ger*, which had come to stand for "non-Israelite *sakhir*," we have good reason to uphold the talmudic interpretation. In this case, the admonition in Prov., which dates back to about the third century B. C. E.,³⁹ has one important new feature, as compared with the Pentateuch injunction: it qualifies the duty of prompt payment with the words "if thou hast it by thee." This is, if our inference, that the verse speaks indeed of the hired worker, is correct, an actual forerunner of the tannaitic Midrash quoted above: יכול אפלו אין לו ת"ל אחר — שיש אחר.

While tannaitic law deprives the Biblical injunction of its emphasis and allows numerous exceptions to its application, it gives added emphasis to the general injunctions against oppression of the hired worker. Since delay of payment had now become permissible, for all practical purposes, it was of increasing importance to safeguard the worker against abuse by the employer of his new privilege, such as interminable delay or complete withholding of wages. Already in the Bible, we find repeated injunctions not to oppress the hired worker (Deut. 24.14; *lo' tha'ashoq* in Lev. 19.13 also might be taken, in the context, to refer to the *sakhir* in particular). But it is not clear whether these prohibitions have in mind, specifically, the withholding of wages,⁴⁰ as the root *'-sh-q* can be used in various meanings such as "to oppress," "to rob," "to injure." In tannaitic times, there is a clear determination to make the withholding of wages a specific offence, and a major one at that. Already the LXX renders Deut. 24.14: "Thou shalt not wrong-

³⁹ W. O. E. Oesterley on Proverbs (*op. cit.*) dates chapters 1-9 about the third century B. C. E. (p. xxvi). H. C. Toy (*op. cit.*) gives the same date for the redaction of Proverbs.

⁴⁰ Only once in the Bible is the root *'-sh-q* used with direct reference to wages, Mal. 3.5: עוֹשֵׂי שֹׂכֶר שֹׂכִיר; this is, perhaps significantly, a post-exilic text.

fully withhold the hire of a hireling"; so also Josephus (*Ant.* IV. 8.38), who may be quoting from the LXX, and similarly Targum Jerushalmi.⁴¹ This tendency to narrow down the meaning of the term '—*sh-q* to this particular offence continues in the halakhic Midrash and other tannaitic literature. Sifra (*loc. cit.*) states that *lo' tha'ashoq* refers to him who suppresses the wages of the hired worker. Sifre (*loc. cit.*) lays down that he who suppresses the wages of the *sakhir* transgresses five negative and one positive commandments. "Whosoever suppresses the wages of the *sakhir*, is considered by Scripture as if he had taken his life" (*ibid.*). In a Baraitha, quoted b. Sukk. 29b, four reasons are enumerated, because of which householders may lose their wealth; two of them are: "he who suppresses the wages of the *sakhir*, and he who withholds the wages of the *sakhir*."⁴²

In the Talmud, a new prohibition is proclaimed concerning the delay of payment, which had become necessary as the exceptions to the Biblical injunction of prompt payment had become more numerous. Rabba b. R. Hunna, although he had decided that the market-merchants of Sura were exempt from the twelve-hour-limit, decided that they transgressed an injunction "Thou shalt not delay," if they delayed payment unnecessarily and unreasonably. The same injunction applied, according to Rab, after the twelve-hour-limit had elapsed, when the Pentateuch injunction does not operate any more, according to the talmudic view. R. Joseph, finally, points to Prov. 3.28 as the source of this new prohibition (cf. b. B. Metz. 110 f.).

It must not, however be concluded, that it had become the rule in tannaitic times for the payment of workers to be delayed. There are, indeed, numerous references to payment through bankers or merchants (Sifra *loc. cit.*; Shebuoth 7.5; Tos. B. Metz.

⁴¹ Neither the LXX nor the Targum Jerushalmi, however, insert the word "hire" in the corresponding passage in Lev. 19.13. It is also noteworthy that Targum Jonathan renders Deut. 24.14: "You shall not injure your neighbours and you shall not alter the wage of a hireling."

⁴² Cf. also Tos. B. Metz. 10.3; b. B. Metz. 111 f.; Derekh 'Eretz R. 2. The text in b. Sukkah 29b is tannaitic; the introductory words *אמר רב* appear to have been inserted by mistake; cf. Buechler, *Der galiläische 'Am-ha'Areš* etc., p. 247, also A.d.R.N., second version, 31.34, which quotes the same saying in the name of R. Johanan b. Zakkai.

10.5; Baraitha, quoted b. B. Metz. 46a) and the general tendency was to remove restrictions where they proved irksome. But it still remained the rule for the day-labourer, particularly in agriculture, to receive payment in the evening, at the end of the working day. How common a practice this was can be seen from the large number of incidental references to it in parables and in aggadic literature. In such parables, which frequently use the relationship of worker and employer as a simile of man's relation to God, we find, almost invariably, phrases such as "towards evening, he (the employer) came to give them their wages," or "in the evening, he called them to receive their wages."⁴³ Apparently it was common for the employer to come out to the field to pay his workers or, alternatively, to ask them to come to his house for payment. This custom may explain the controversy in a Baraitha (quoted b. B. Qam. 33a) whether a worker has the right to enter the employer's domain to claim his wages; the question arises concerning a claim for ransom when the employer's ox has killed a worker entering his domain uninvited for this purpose. One view is that the employer is not liable to pay ransom; the other, that "a worker has the right to (enter his employer's domain to) claim his wages." The former view, to our mind, can only be understood, if it was, indeed, the custom for the employer to come to the field or to call his workers in; thus there would be no need for the worker to go to the employer's domain uninvited and he would do so at his own risk.⁴⁴ In some cases, e. g., that of ass-drivers returning from a journey, it also seems to have been quite usual for the employees to wait

⁴³ Cf. Deut. R. 6.2; Tanhuma Ki thissa'; Tanhuma Ki thetze'; Lev. R. 24; A.d.R.N. 5.2; Mat. 20.8.

⁴⁴ S. Krauss, *T. A.*, II, p. 104, maintains, concerning payment of the daily labourer, that "the situation was always that the worker would go from the field into town where the employer lived." This is far too sweeping a generalization. It appears to us that there is more evidence to the contrary, that the employer would go out to the field to pay them; cf. also Krauss' own statement (*ibid.*), that the workers often worked side by side with the employer. The word במתח, in the town, on which Krauss largely bases his argument (p. 500, note 722), does not occur in the Baraitha itself, only in the Gemara; besides, it is used here loosely, in the sense of "outside the house, about town," in contrast to בבית, "at home, in his house."

in the market-place for the employer to come along and pay them. Most of the business, connected with the hiring of workers, was conducted there (cf. e. g.: Baraitha, quoted b. B. Metz. 46a; Mat. 20).

There is even more conclusive evidence that payment of day-labourers, in tannaitic times, continued to be made within the time-limits imposed by the Biblical injunction: the fact that new legislation was based on this practice, viz., the tannaitic ordinance which granted to the worker the privilege to collect his wages on his oath alone, in case of dispute with the employer (cf. above, p. 285). This privilege was limited to cases where the claim was made "within the proper time," i. e. within the Biblical time-limit. This time-limit, as far as the day-labourer was concerned, was until the following morning. But we can rule out, for all practical purposes, the eventuality that a worker would claim and receive his wages at night. It must have been, therefore, at the time when this ordinance was made, still the custom for most workers to claim and to receive their wages in the evening, as soon as work was finished; otherwise, this "great ordinance" would have been of no practical value whatsoever in the majority of cases.

VI. RETRACTION AND DISMISSAL

The legal position, concerning the retraction of either employer or employee, is stated in Mishnah B. Metz. 6.1-2, and in Tos. B. Metz. 7.1 f. As the subject is involved, it will be necessary to quote the relevant texts and to analyse them.

Mishnah B. Metz. 6.

השוכר את האומנין והטעו זה את זה אין להם זה על זה אלא תרעומת. 1a:
 שכר את החמר ואת הקדר להביא פרייפרין וחלילים לכלה או למת 1b:
 ופועלין להעלות פשתנו מן המשרה וכל דבר שאבד וחזרו בהן מקום
 שאין אדם שוכר עליהן או מטען.
 השוכר את האומנין וחזרו בהן ידן על התחתונה אם בעל הבית חוזר 2:
 בו ידו על התחתונה כל המשנה ידו על התחתונה וכל החוזר בו ידו על
 התחתונה.

Translation:

- 1a: If a man hired craftsmen and they deceived each other, they have but cause of complaint against each other.
- 1b: If a man hired an ass-driver or a waggon-driver⁴⁵ to bring litterbearers and pipers for a bride or a corpse, or labourers to take his flax out of steep, or any other matter that will be lost (spoilt) (through delay), and they retracted, if it was a place where no others were available, he may hire others at their expense, or he may deceive them.
- 2: If a man hired craftsmen and they retracted, they have the lower hand (i. e. they are at a disadvantage); if the householder retracted, he has the lower hand. Whosoever changes, has the lower hand, and whosoever retracts has the lower hand.

Tos. B. Metz. 7.

- 1a: השוכר את הפועלין בין שהוטעו את בעל הבית ובין שבעל הבית היטעה אותן אין להם זה על זה אלא תרעומות.
- 1b: במה דברים אמורים בזמן שלא הלכו אבל שכר את החמרים הלכו ולא מצא ושכר את הפועלים והלכו ומצאו את השדה כשהיא לחה נותן להן שכר משלם ואינו דומה העושה מלאכה ליושב ובטל ואינו דומה הבא טעון להבא ריקן.
- 1c: במה דברים אמורים בזמן שלא התחילו אבל אם התחילו הרי אלו שמין לו כיוה צד קיבל הימנו כמה לקצור בשתי סלעים קצר חציה והניח חציה טלית לארוג בשתי סלעים ארג חציה והניח חציה הרי אילו שמין לו כיוה צד אם היה מה שעשה יפה ששה דינרים נותנין לו סלע או יגמור מלאכתו ואם היה יפה סלע נותנין לו סלע. ר' דוסא אומר שמין על מה שעתיד להיעשות אם היה מה שעתיד להיעשות יפה ששה דינרים נותנין להם שקל או יגמרו מלאכתו ואם היה יפה סלע נותנין לו סלע.
- 1d: במה דברים אמורים בדבר שאינו אבד אבל בדבר האבד שוכר עליהן או מטען כיצד אומר לו סלע פסקתי לך הריני נותן לך שתי הולך ושוכר ממקום אחר בא ונוטל מזה ונותן לזה.
- 1e: במה דברים אמורים בזמן שפוסק עליו במקום שאינו מוצא להשכיר אבל ראה חמרי ממשמשין ובאין ואמר לו צא ושכור לך אחד מאילו אין לו עליו אלא תרעומות.

⁴⁵ The correct reading is *qarar*, not *qadar*; cf. Krauss, *T. A.*, II, p. 679, note 204, also Danby's translation, p. 357.

השוכר את הפועל ומת לו מת או שאחזתו חמה הרי אילו שמין לו כזיה צד:
 שמין לו אם היה שכיר חודש נותנין לו לפי שכירותו קבלן נותנין לו לפי
 קבלנותו.

Translation:

- 1a: If a man hired workers⁴⁶ and they deceive the householder, or the householder deceives them, they have but cause of complaint against each other.
- 1b: When does this apply? As long as they have not left (to start work); but if he hired ass-drivers and they went and did not find (what he hired them to fetch), or if he hired workers and they went and found that the field was wet, he must give them their wage in full; but one who works is not like one who sits idle, nor one who comes with a load like one who comes empty-handed.
- 1c: When does this apply? When they did not start work. But when they had started (and then retracted) one must make an estimate. In which way (is this done)? If he undertook to reap a field for 2 sela, and he reaped half of it and left the other half; or he undertook to weave a garment for 2 sela, and did half of it and left half of it undone, then one makes an estimate. In which way (is this done)? If what he did was worth 6 denar, one gives him 1 sela, or else he must complete his work; and if it was worth 1 sela, one gives him 1 sela. R. Dosa says: One makes an estimate, according to what still remains to be done; if what still remains to be done is worth (will cost) 6 denar, one gives him 1 sheqel, or else he must complete his work; and if it was worth 1 sela, one gives him 1 sela.⁴⁷
- 1d: When does this apply? To a matter which will not be lost (through delay). But concerning a matter that will be lost, he may hire others at their expense, or he may deceive them. In which way? He says to him: "I have fixed your wage at 1 sela, now I shall give you 2!" Or he goes and hires workers

⁴⁶ b. B. Metz. 76b, quoting the Tosefta, reads 'ummanin.

⁴⁷ The value of the coins mentioned is: 1 sela=2 sheqel=4 (silver) denar, cf. J. Levy, *Wörterbuch*, v. s. "איסר." For the version of the figures given above, cf. below, p. 299, note 50.

from elsewhere, and takes (the money for extra wages) from the one and gives it to the other.

- 1e: When does this apply? When he fixes him (extra wages), in a case where he cannot find others to hire. But when he sees (other) ass-drivers approaching and he says to him: "Go and hire one of those!" he has but cause of complaint against him.
- 3a: He who hires a worker, and (one of his relatives) died, or he had a sunstroke, must make an estimate. In which way? If he was hired by the month, one gives him according to (the terms of) his hire; if he was employed on a contract, one gives to him according to (the terms of) his contract.⁴⁸

BREACH OF PROMISE AND RETRACTION DUE TO A CHANGE
IN THE RATE OF WAGES

Part 1a and 2 of the Mishnah obviously formed originally a single entity, while part 1b has been interpolated, and has probably been taken from a different source. This is shown by the different formulae used (*hassokher* in 1a and 2; *sakhar* in 1b; 1a and 2 speak in general terms, while 1b enumerates particular cases). 1a and 2 treat the normal case, to which the one dealt with in 1b forms an exception. We shall begin by discussing parts 1a and 2 of the Mishnah, together with the corresponding portions of the Tosefta.

The two cases, dealt with in 1a and 2 respectively, differ in that in the former employer and employee "deceive" (*h₁-h*) each other, while in the latter they "retract" (*h-z-r*). In the first case, there are no legal consequences, though some blame attaches to the retracting party; in the second case, some legal liability ensues. It follows that the former passage refers to a situation when no legal, only moral, obligation exists as yet; the latter, to a situation where a legal obligation has become operative. From a comparison with the corresponding sections of the Tosefta it becomes clear that the first case refers to a breach of the agreement between employer and employee before

⁴⁸ b. B. Metz. 77a, b quotes a slightly different version referring, in the case of the *sakhar*, to a worker employed for the day.

work has started. It follows that at this stage the agreement entered into by the two parties carries no legal obligations yet; retraction by either party, before the agreement has been carried into practice, is merely a breach of promise which, in tannaitic law, has no legal consequences.⁴⁹ The agreement attains legal validity only when it is carried into practice, i. e. when the employees start working (cf. below, concerning the position, when the employer has carried out his part of the agreement, by paying wages in advance). This is confirmed by B. Metz. 7.1, where it is stated that a change of terms can still be effected "before they have started work," but not afterwards. A change of terms is, legally, equivalent to retraction, as becomes clear from the parallel position and treatment of these two eventualities in Mishnah 2: "Whosoever changes has the lower hand, and whosoever retracts has the lower hand."

It follows that, while either party is at liberty to retract before work has begun, from the legal point of view at least, this is not the case any more when work has started and the contract has become operative. Now the retracting party is at a disadvantage, and must accept certain liabilities.

It is clear from the contents, as well as from the style, of our Mishnah passages that employer and worker are in exactly the same position legally. This would seem natural, as the obligations in question arise out of an agreement, and should, by their very nature, be mutual. The same holds good, in fact, for any kind of agreement or, at least, for any kind of hire, as can be seen from the conclusion of Mishnah 2, which applies the same ruling to retraction in general. As the following sections of chapter 6 of B. Metz. deal with retraction and change of terms in other cases of hire, employment appears as only one instance of the law of hiring in general. This point must be borne in mind, in view of the fact that in the Babylonian Talmud (B. Metz. 77a) the hired worker is given the unilateral right of retraction, and that it is

⁴⁹ As will be shown in greater detail below, the terms חזר and הטעה are used in a precise sense throughout and are not interchangeable. That הטעה connotes a "breach of promise" with no legal consequences, can be seen also from the use of this term in Mishnah 1b, where it refers to the employer promising higher wages, which he is not legally bound to pay.

attempted there to interpret the Mishnah in conformity with that opinion. We shall have to return to this matter presently.

As the Mishnah offers no clue to the precise nature of the legal consequences of retraction, we have to rely on the Tosefta (1c). Here we find a controversy between an anonymous view and R. Dosa. The former states that a retracting worker (the example given is that of a *gabblan*) will receive his payment in proportion to the amount of work done; if he has done half the work, he will receive half the agreed wages, though certainly not more. According to this view, no disadvantage is suffered by the retracting worker; it does not, therefore, conform with the opinion, expressed in the Mishnah, that "whosoever retracts has the lower hand." R. Dosa's view, however, can throw light on the meaning of the Mishnah. R. Dosa, using the same example of the *gabblan*, makes the remuneration of the retracting worker dependent not on the amount of work done but on the cost of completing the work. If, e. g., the completion of the job will cost six denar, the retracting worker will receive only two denar, although he has done half the work.⁵⁰ Any additional expense, which will arise, rests thus on the retracting party. This appears to be the view taken by the Mishnah.⁵¹ It becomes clear, at the same time, which situation this law has in mind; it refers to retraction on the part of the employee for the reason that wages have risen and that he can now earn more if he takes another job. According to the anonymous view in the Tosefta, nothing would prevent him from doing so. According to R. Dosa and the Mishnah, such a practice would be prevented very effectively; for if wages have risen, the employer will have to pay more to another worker hired to complete the job, and the retracting worker will go short of precisely the amount needed to pay another worker at the higher rate; he will therefore gain nothing.

It stands to reason that the phrase "he has the lower hand" must have a similar meaning when applied to the corresponding case of retraction by the employer. The Mishnah has in mind an

⁵⁰ The amounts occurring in Zuckermann's edition do not make sense. We have followed the version of the Tos. in b. B. Metz. 76b.

⁵¹ The Babylonian Talmud, too, identifies the Mishnah with R. Dosa's view (B. Metz., *loc. cit.*).

employer who dismisses his workers because wages have fallen and he could now hire others at less cost. The Mishnah, and presumably R. Dosa of the Tosefta, would prevent him from doing so, by compelling him to pay the dismissed workers the difference between the wages promised to them and what they will actually receive when taking other employment at the lower wage current now. Although this case is not discussed in the Tosefta, it seems safe to assume that this is the correct interpretation of the Mishnah; for thus the case of retraction on the part of the employer corresponds exactly to that of retraction on the part of the worker; the Mishnah, by its style and phrasing, certainly suggests that the two cases are parallel. Besides, unless we assume this to be the explanation, we should be left entirely in the dark as to the significance of the ruling: "when the employer retracts, he has the lower hand." The same reasoning can be applied to the anonymous view in the Tosefta, according to which the employee may retract without disadvantage to himself; this, we may assume, would apply equally to the employer, although his case is not mentioned. This view might be summed up in the words: "Whosoever retracts, has the upper hand."⁵²

⁵² It might be argued that the anonymous view grants the right of retraction, when the rate of wages has changed, to the worker only, as it is only his case which is cited in Tos. 1c. Confirmation of this view might be found in that Tos. 1b, which lays down the liability of the employer to pay his workers, although they cannot carry out the work, is apparently held unanimously; this would suggest that the anonymous Tanna does not permit retraction on the part of the employer without sanctions being applied. The same view appears to be taken by the Babylonian Talmud (B. Metz., *loc. cit.*) which sums up this opinion in the phrase "the worker has the upper hand." Nevertheless, we are inclined to believe that the anonymous view does not discriminate between employer and employee any more than does R. Dosa; there is no trace in either Mishnah or Tosefta of such discrimination, and we have no right to introduce it arbitrarily. Although the anonymous Tanna would not object to retraction on the part of the employer, when wages have fallen, he may agree, nevertheless, with Tos. 1b which prevents his retraction, where it would cause loss of employment and complete loss of wages to the worker. This loss to the worker would be caused by the employer's failure to carry out his obligations under the agreement; it is, therefore, his liability. The loss of part of his wages to the worker, owing to a reduction in the current rate of payment, cannot be considered, in the

There is no reason to suppose that either the Mishnah or the Tosefta intends to differentiate between the *qabblan*- and *sakhir*-type of employees. Although the Mishnah speaks of *'ummanin*, craftsmen, who would usually be employed on a contract basis (cf. also above, p. 271, especially note 13), it refers also to *po'alim* in 1b; and it is quite clear from the conclusion of 2: "Whosoever retracts, etc.", that the intention is to state a general rule. Besides, if it were assumed that the Mishnah referred to the *qabblan* only, the case of retraction of a *sakhir* would not be dealt with at all. The Tosefta also explicitly refers to both *qabblan* and *sakhir*; it starts with the words: "He who hires workers (*po'alim*)";⁵³ and although the examples of retraction, given in 1c, are cases of *qabblanuth*, the context in general shows that the Tosefta means to deal with both types of employment (cf. especially 3a: "If he was hired by the month, one gives him according to his hire; if he was employed on a contract, one gives him according to his contract"). This is sufficient evidence to satisfy us that the tannaitic sources do not intend to differentiate between various types of employees regarding retraction. To sum up: we find that, in tannaitic law, both employer and employees, whether of the *sakhir* or *qabblan* type, are on exactly the same footing, where retraction, due to a change in the rate of wages, is concerned. According to the anonymous view, either can retract, without incurring liabilities; according to R. Dosa and the Mishnah, neither can do so. Where retraction is not due to a general change in the standard of wages, but would cause loss to the employer or loss of their wages to the workers, the position is different. These cases, which

opinion of the anonymous Tanna, a liability of the employer's, as it is due to an independent factor, viz., the general change in the rate of wages. He may argue that the parties agreed on the current rate of wages only because it was the current rate, and on the tacit understanding that, if the rate were to change, the agreement should be void and either party should be free to retract. This tacit reliance on the current rate, which is assumed by the anonymous Tanna, even where an amount has been stipulated, is conceded generally, where no definite amount had been mentioned at the time of hiring (cf. above, p. 276).

⁵³ The reading in b. B. Metz., *loc. cit.*, is *hassokher eth ha-'ummanin*; this does not, however, affect our other arguments.

are treated by Mishnah 1b and Tos. 1b, 1d f., shall be dealt with presently.

It has been necessary to examine the legal position in Mishnah and Tosefta at rather great length, because of divergent views, expressed in the Talmud, which have tended to obscure the meaning of the Mishnah. Rab (b. B. Metz. 77a and elsewhere) grants the *sakhir* the privilege of retracting at any time: "A worker (*po'el*) may retract even in the middle of the day!" He grants him this right by analogy to the Hebrew slave who, according to Biblical law, may regain his freedom at any time by repaying the appropriate part of the purchasing price (Lev. 25.47 f.; Rab quotes v. 55: **כִּי לִי בְנֵי יִשְׂרָאֵל עֲבָדִים**, and concludes from it: **עֲבָדֵי הֵם וְלֹא עֲבָדִים לְעֲבָדִים**, cf. b. B. Metz. 10a). Thus discrimination is introduced between the *sakhir* and his employer, on the one hand, and between the *sakhir* and the *qabblan* on the other; for Rab's special privilege does not apply to either the *qabblan* or the employer. The Talmud (*ibid.*) contrasts this view of Rab's with his statement that the accepted law (*halakhah*) is in accordance with R. Dosa, and offers the alternative explanations that either R. Dosa himself objects to retraction only in the case of the *qabblan*, or that Rab, while accepting R. Dosa's view in general, makes an exception concerning retraction of the *sakhir*. After the foregoing, there can be no doubt that neither R. Dosa nor the Mishnah know of any such distinction, but that it is Rab himself who introduces it. It was, however, the other alternative which came to be accepted by practically all commentators on Mishnah and Talmud, with the result that a great deal of confusion has been caused by the assumption that Mishnah and Tosefta prohibit retraction only on the part of the employer and the *qabblan*, but permit it in the case of the *sakhir*.⁵⁴

⁵⁴ The Palestinian Talmud (on our Mishnah) credits Rab with the view that both employer and worker may retract; the view, that only the worker, and not the employer, may retract, is ascribed there to R. Johanan. As Rab lived in Babylonia, and was the founder of the foremost academy there, one must give greater weight to the version of his view, recorded in the Babylonian Talmud. The formula **עֲבָדֵי הֵם וְלֹא עֲבָדִים לְעֲבָדִים**, with which R. Johanan's opinion is presented, appears to suggest that this view is offered as

According to the evidence of the sources themselves, tannaitic law does not know of any privileged position of the *sakhir*, with regard to retraction. This is further confirmed by R. Tarfon's famous parable ('Abot 2.15, 16), in which he compares man's service of God to that of a *sakhir*.⁵⁵ He states categorically: "It is not thy part to finish the task, yet thou art not free to desist from it." If the *sakhir* had in fact been "free to desist" from work at any time, according to tannaitic law, the parable would have lost its point entirely; the simile of the slave should then have been chosen rather than that of the worker. So we find again that in tannaitic law the *sakhir* was no more "free to desist" than the *qabblan* or the employer.

It emerges clearly from both Mishnah and Tosefta that, before work has started, retraction by either party is not barred legally. A different impression is given by a Baraita (b. B. Bath. 86b) already quoted above (p. 277, and note 26) in a different context. It tells of an employer hiring workers for the harvest in advance, during the slack season, at a lower rate of pay than would be in force during harvest-time; those wages he pays out to them in advance. The question arises: what would prevent the workers from retracting at harvest-time and from accepting other employment at the higher rate of pay, as long as they have not started work? We are forced to the conclusion that, when wages have been paid in advance, the agreement becomes operative henceforth, and retraction is no longer permissible.⁵⁶ Just as the beginning of work, that is to say, "performance" on

an interpretation of the Mishnah; if that is the intention, we have already shown above that this would be a misinterpretation similar to the one proposed in the Babylonian Talmud on behalf of Rab.

⁵⁵ That R. Tarfon speaks, in fact, of the *sakhir* and not, as might be suggested, of the *qabblan*, can be seen by his use of the word *po'alim*; also by his reference to the short working-day and to the employer's determination to urge the workers on, which would not fit the case of the *qabblan*, who does the work "on his own time." Besides, it could not be said of the *qabblan* "it is not thy part to finish the work"; for this is precisely what a *qabblan* is obliged to do.

⁵⁶ It is curious that nowhere in the Talmud, or in the literature consulted by us, has the bearing of this text on the tannaitic law of retraction been recognized.

the part of the employee, suffices to make the "contract" legally valid, so does payment of wages, that is to say, "performance" on the part of the employer. We must amend our account of tannaitic law of retraction accordingly, and may now sum it up as follows: According to the anonymous view in the Tosefta, either party may retract without suffering disadvantage, although a change has occurred in the current rate of wages. According to R. Dosa and the Mishnah, retraction is permissible only before the agreement has become operative. It becomes operative by either side carrying into practice the obligations assumed by them, i. e. either the workers starting work or the employer paying out wages.⁵⁷ In this case, the retracting party would be at a disadvantage; this would preclude retraction for all practical purposes, if a change has occurred in the rate of wages.

We must now turn to the cases, discussed in Mishnah 1b and Tosefta 1d f., where retraction on the part of the worker would cause loss to the employer, and to the corresponding case in Tos. 1b where the employer's retraction causes loss of wages to the workers.

RETRACTION CAUSING LOSS TO THE OTHER PARTY, AND RETRACTION DUE TO FORCE MAJEURE

Part 1b of our Mishnah states that retraction on the part of the worker, involving loss to the employer, may be prevented by the latter. This loss may be either material damage, as in the case of the flax, which will spoil, if not taken out of steep in time; or merely the non-attainment of the purpose for which the employees were hired, as in the case of the pipers for a wedding. Wherever the work, for which the worker was hired, is of such a nature as will not allow postponement, the worker is prevented from retracting, if no other workers can be found to take his place. The corresponding passages in the Tosefta (1d and e) appear to express the unanimous view of both R. Dosa and the anonymous Tanna; while the latter will permit a worker to break the agreement in order to take advantage of a higher

⁵⁷ This latter case would be very unusual, which would explain its being left out of account by the texts, dealing with retraction specifically.

rate of pay, he does not permit him to retract when the employer can not find a substitute, and the work in question will not bear delay.

The liability of the worker in such a case arises, of course, only if he retracts after work has started and the agreement has acquired legal force.⁵⁸ Mishnah 1b clearly has in mind a case of retraction after the beginning of work; for both the forms of sanction, which the Mishnah provides for use against the retracting worker, presuppose that work has already begun. The first of these, "he may hire others at their expense," means normally, according to b. B. Metz 76b, that the workers are liable to the extent of the wages due to them; if they have done no work yet, no wages are due and no liability exists. The second provision: "he may deceive them" again implies retraction after work has begun; for if the workers had retracted before the beginning of work, it would mean in practice that they had not reported for work in the morning at all, as they had promised, but had gone elsewhere, in which case the employer would be unable to "deceive" them. This conclusion is confirmed by the order in the Tosefta which deals with this case after others referring to retraction after the beginning of work. Moreover, the use of the term *h-z-r* in Mishnah 1b shows conclusively that reference is made to retraction, after the agreement has become operative (cf. above, p. 298, especially note 49). That

⁵⁸ Most commentaries on the Talmud, as well as the post-talmudic codes, take this provision to apply even before work has started; they assume, wrongly, that the workers' liability in this case is of the nature of compensation for damage caused. Actually, however, the question of liability for damage, caused by the workers' retraction, though it may arise at times, is not treated at all in our Mishnah; the latter speaks of the employer's right to prevent the worker's retraction or to hire others at his expense; it does not consider the eventuality of the employer's failure to do so. What compensation would be payable in the latter case, when the "loss" or damage had actually occurred, is not stated; nor could the Mishnah deal with this aspect, as the cases of *דבר האביר* mentioned include, e. g., that of the pipers for the wedding, where no question of monetary compensation would arise. Moreover, it would appear doubtful if, according to the principles of talmudic law, the retracting party could be sued for damages, even in the case of flax to be taken out of steep. The worker's breach of his promise, to do the work, could hardly be considered a positive act of damage.

even in the case of דבר האבך the Mishnah clearly differentiates between $h-z-r$, to retract, and $ht-'-h$, to deceive, can be seen from the use of the latter term in Mo'ed Q. 2.1 f. There the Mishnah gives examples of work which may be done on Mid-Festival days, viz., work of the nature of דבר האבך, which had to be left uncompleted before the Festival, owing to unforeseen circumstances, one of which is הטעוהו פועלים, "his workmen deceived him." If, in this case, the workers had retracted after the beginning of work, the employer would have been able to use the sanctions provided in our Mishnah, and the emergency would not have arisen at all. The term $ht-'-h$ is therefore used advisedly, for the Mishnah can have in mind only a case where the workers broke their promise and failed to turn up altogether. The order in the Mishnah, which in 1a speaks of retraction before work has begun and in 2 of retraction after the beginning of work, cannot serve as an argument for assuming that 1b also must refer to retraction before work has begun; for, as has been pointed out already, part 1b has, obviously, been taken from a different source and been interpolated between 1a and 2 which originally formed an entity of their own. Although, logically, 1b should have followed after 2, this was impossible, because the latter part of 2 formulates the general rule "who-soever retracts, etc.," after which 1b would have been out of place; nor could it have been inserted before this conclusion of 2, as it would then have severed the general conclusion from its premise.

The sanctions which the employer may apply to workers, retracting under these circumstances, are twofold; he may either promise them higher wages, which he need not, in the end, pay; or he may employ others at higher wages at the expense of the retracting workers. The latter does not imply that the rate of pay generally has risen, for in that case the provisions of Mishnah 2 would apply and no special ruling would be required, but that, in order to find workers in this emergency, the employer must offer wages above the current rate of pay. This is meant by the phrase מקום שאין שם אדם, viz. that there are no other workers available at normal wages; it can not, obviously, mean that there are no others available at all. The implication is that

the employer has the right to insist that the work be carried out either by the original employees or, if they refuse, at their expense. If, however, other workers are available at the current rate, the first workers cannot be prevented from retracting. The amount, up to which the retracting workers can be held liable to pay for their successors, is given by the Tosefta, as quoted in b. B. Metz. 76b⁵⁹, as "40 or 50 zuz (denar)," a phantastic sum, meant, presumably, to indicate their unlimited liability. R. Naḥman, *ibid.*, suggests, that their liability would only extend to the amount of their own wages, i. e. the wages due to them; it would appear that he is quoting a Baraita, as he would hardly set his own opinion against that of the Tosefta, nor would the Talmud contrast his statement with that of the Tosefta, as if both carried equal authority. The Talmud (*ibid.*) harmonizes the two views by taking the former to refer to a case where the employer holds the *ḥabilah*, i. e. the tools, etc., of the employees, in which case he may use it to pay their successors. This may well be the intention of the Tosefta as, otherwise, one cannot quite see how the employer would ever succeed to extract from the retracting workers an amount equal to the wages of 40 or 50 working days.

The corresponding situation in case of retraction by the employer would be one where, owing to his retraction, the workers could not find other employment and would lose their wages for the day. This case is dealt with in Tosefta 1b. which lays down the employer's obligation to pay wages even though the work is not carried out, through no fault of the workers, who are ready to do their job. He need not, however, pay the regular rates, but only those of a *po'el ba'el* (cf. above, p. 280 f.). That the Mishnah does not mention this case, is probably due to the fact that it can be deduced logically from Mishnah 2; if the employer must make up the difference in pay, where his retraction causes the workers to be employed at lower wages, he obviously must pay them where he causes them to lose their wages altogether. The same argument would have enabled us to deduce from Mishnah 2 that employees must not retract

⁵⁹ This passage is missing in Zuckerman's edition.

where their retraction would cause additional expense to the employer, as in the case of דבר האביר; but this case had to be mentioned explicitly, as we could not have deduced its detailed provisions, viz., that the employer may deceive them, etc. The Tosefta, on the other hand, must deal explicitly with retraction of the employer, involving loss of wages to the workers; for, according to the anonymous view which does not hold the retracting party responsible for losses caused to the other through a change in the rate of wages, we should not have been able to deduce anything concerning this case. The ruling of Tosefta 1b, that the employer must pay wages, though he is unable to provide work, is held unanimously, as stated before.

In the Palestinian Talmud (B. Metz. 6.1) a Baraitha is quoted, which reads as follows: "When is that so (that the employer may retract without legal consequences)? When the ass-drivers have not gone. But if the ass-drivers went, and did not find any produce, or the workers went to weed and found the field flooded, he gives them their wages for the journey to and fro; but he who travels with a load is not like one who travels empty-handed, etc." The apparent contradiction between this Baraitha, which grants the workers payment (at the rate of a *po'el ba'el*) only for the time occupied by their journey, and the Tosefta, which allows them payment for the whole day, resolves itself simply. The Tosefta has in mind a case where the workers will not find other employment for that day at all; the employer is, therefore, liable to pay them for the whole day. The Baraitha, on the other hand, envisages a case where the workers will find other work for the rest of the day (or, where, as in the case of the ass-drivers, they were employed for only one errand which would not take the whole day, in any case); they lose thus no more than the time spent in going to and fro. The principle, in both cases, is the same.

Where retraction is caused by circumstances beyond the control of the retracting party, no disadvantages attach to the latter. Tos. 3a gives the example of a worker retracting owing to a sunstroke or owing to death in his family. It appears that in this case the rule of the "lower hand" does not operate, if a change has occurred in the rate of wages, but the worker will receive the

wages agreed upon, in proportion to the time or the amount of work done. Even if the work comes under the heading of **דבר האביר**, no liability would, presumably, attach to the worker in this case. The cases of retraction on the part of the employer, e. g., Tos. 1b, appear to suggest that the employer is liable to pay even where the work could not be carried out because of circumstances beyond his control, e. g., when the field was too wet for work to be done. As this would contradict the principle of the equal position of employer and worker respectively, established before (cf. p. 298 f.), we must conclude that the Tosefta considers this a case where a certain amount of fault lies with the employer; he should not have hired workers without making certain that the field was, or would be, in a fit state for work to be done. Similarly, where an employer sends messengers to fetch goods from a certain place (Tos. *ibid.* 3.4), it is his fault if they cannot obtain the goods, as he should have made certain beforehand. On the other hand, if an employer instructs an employee to bring wine for a sick man, etc., he need not pay him, if he did not procure any wine; as in this case the employer left a free hand to his agent, the failure of the latter to carry out the job is his own responsibility (Bar., quoted p. 'Ab. Zar. 5.1, cf. also the Baraitha, quoted above, from p. B. Metz. 6.1).

Change of terms is precluded in exactly the same way as retraction (Mishnah 2). Nevertheless, it is permissible for the employer to demand of the worker that he do other work than that for which he had been employed, as long as it is lighter work (Tos., *ibid.* 7.6). This case may arise, as suggested by the context, where the original work was completed earlier than expected. Even similar types of work, such as ploughing and digging respectively, are considered a "change"; the employer had no right to demand the one, if the worker had been employed for the other (Tos., *ibid.* 5). Often, however, when employing a labourer, the employer would say to him: "Work for me today," without specifying any particular job, or he would employ him explicitly for "any kind of work"; in such a case, the question of "change of work" could not, of course, arise (cf. p. Pe'ah 4.6). An employer was entitled to hire a worker for any, even the most unpleasant or undignified, type of work. Whereas,

in the case of a Hebrew *'ebed*, the master could not demand of him any "slave-work" (Lev. 25.39), Sifra rules (*ibid.*) that no such restrictions applied to a free worker. Such degrading work could, however, only be expected of the worker when he had consented to it on entering employment.

Most of the laws on retraction and change of terms arose out of situations occurring in actual practice; this can be seen clearly from the Tosefta which presents most of them in the form of "cases" bearing the stamp of reality. Breach of promise on the part of the workers, who after accepting work with an employer deserted him for a better job, also appears to have been quite frequent, as can be seen especially from Mo'ed Q. 2.1. Retraction due to a change in the rate of wages will have occurred in the case of workers employed for some length of time either on a time- or a contract-basis. As for day-labourers, this eventuality was very unlikely; it is significant that all examples given in the Tosefta for this type of retraction refer to contract-workers (1c); even the example of retraction due to force majeure (3a) is taken of contract-workers or workers employed by the month. As far as the worker employed for the day was concerned, the question of retraction in the middle of the day can hardly have been of great practical importance. The privilege of the *sakhir*, proclaimed by Rab (cf. above, p. 302), "to retract in the middle of the day," does not therefore appear to be inspired by any change in the economic situation or, indeed, by any practical considerations at all. Although this privilege applies to every *sakhir*, including the long-term *sakhir*, to whom it would be of practical value in some cases, it is formulated for the day-labourer; it thus appears to be more in the nature of a proclamation of principle, a "declaration of rights," as is also clearly shown by its phraseology, than a measure arising out of and affecting the economic position of the worker in reality.

VII. PROVISION OF FOOD TO THE WORKER

The Biblical law (Deut. 23.25 f.), which grants permission to eat agricultural produce off one's neighbour's field or vineyard, is taken, throughout tannaitic literature, to apply to the agricul-

tural labourer only, who by virtue of it, is entitled to eat of the produce on which he is working. The wider and more obvious interpretation of this text, which would give this privilege to any passer-by, is hardly considered at all. The only Rabbi to hold this latter view is Issi b. Jehudah⁶⁰ (Cf. p. Ma'as. 50.1 and b. B. Metz. 92a, where his opinion is quoted almost as a curiosum discovered in a "secret scroll"). His opinion, however, is not mentioned in Mishnah, Tosefta, or halakhic Midrash, and it is dismissed summarily in the Talmud (b. B. Metz. *ibid.*) with the remark: "Issi would deprive everybody of their livelihood."

There can be no doubt that the official law of the tannaitic period limited this privilege to the employee, working on the actual produce. The tannaitic texts in question do not even give the impression as if they were proposing a novel interpretation of the Biblical law, which might be open to doubt or considered to be of a controversial nature; they simply take it for granted that this text applies to the worker only. Sifre, on our passage, never as much as states: "This verse speaks of the labourer,"⁶¹ but immediately proceeds to discuss questions such as whether the worker may eat of the produce at any time or only during the harvest; whether he is entitled to eat produce of a value exceeding that of his wages, etc. The Mishnah (B. Metz. 7.2 f.) similarly takes it for granted that the privilege of eating agricultural produce applies to the labourer only, and embarks immediately on enumerating the categories of workers which are, or are not, entitled to it. The Targumim, Onqelos and Jonathan, both explicitly apply the text to the hired worker.⁶²

⁶⁰ W. Bacher, in *Die Agadah der Tannaiten*, II, p. 373, attributes this view to Issi b. Aqabyah; cf. also a Baraitha, b. Pesah, 113b, which maintains that various Tannaim of the name of Issi are identical.

⁶¹ Only one anonymous Baraitha, quoted b. B. Metz. 87b, attempts to offer exegetical "proof" that this text "speaks of the labourer" exclusively, while all other sources take this for granted; except the very late Midrash Leqah Tob.

⁶² The LXX, on the other hand, gives a literal rendering, which would suggest, though not necessarily, that the law was understood to apply to the passer-by in general. If this, the more obvious interpretation, was indeed held in earlier times, we must assume that it was reversed well before the first century C. E., and that the law came to be applied exclusively to the

The evidence of the NT story (Mat. 12 and Luke 6), of Jesus and his disciples plucking ears to satisfy their hunger, might appear to be in conflict with our conclusion that, according to the law current at the time, only agricultural workers were permitted to eat of the produce. Most scholars, indeed, assume that Jesus was making use of the privilege granted in Deut. 23.25 f.⁶³ This assumption would seem confirmed by the fact that the Pharisees apparently confined their criticism to the desecration of the Sabbath involved in this particular incident, and did not extend it to the practice of plucking ears from other people's fields as such. Nevertheless, it must be clear from the foregoing that this practice was not in conformity with Jewish law as it stood at the time. Tannaitic law, with the only dissenting view of the rather obscure Issi b. Jehudah, denied the passer-by the right to take produce from the fields. This is, however, not to say that passers-by did not, in fact, continue to exercise this privilege, though it was frowned upon by official law. We may therefore take Mat. 12 as evidence not of the current official interpretation of Deut. 23.25, but of the unofficial survival of the wider application of this passage to any passer-by.⁶⁴ That no criticism of this practice of Jesus and his disciples on the part of the Pharisees is on record, does not prove that none was made; alternatively, we may assume that in this particular case the

labourer. Only if this change had taken place quite some time before the tannaitic era, can we account for the unanimous conviction with which the latter interpretation is held by all Tannaim, whereas Issi b. Jehudah's revival of the old view is marvelled at as impracticable.

Josephus (*Ant.*, IV.8.21) also speaks of the right of the passer-by to pluck ears. This cannot be taken as evidence that this was still the official law in his days, as presumably Josephus just followed the obvious interpretation of the Biblical text (or of the text of the LXX) without, perhaps, even being aware that a different interpretation had been accepted by the Rabbis. This would be the more likely to be the case, if the custom of the passers-by to pluck ears still persisted, in spite of the official law (see above).

⁶³ It is generally assumed by Biblical scholars that Deut. 23.25 f. refers to the passer-by and that Jesus' disciples, when plucking ears, were "justified by this law" (cf. e. g. S. R. Driver, *Int. Crit. Commentary* on Deut. 23.25).

⁶⁴ Such a survival of ancient custom, in spite of official opposition, is by no means unlikely. S. R. Driver, *loc. cit.*, states that this particular custom is observed in Palestine to the present day.

latter were concerned exclusively with the grave transgression of the Sabbath, which made them overlook a comparatively minor matter. That the common people did, in fact, continue to claim the privilege of plucking a few ears of grain or picking some grapes, is confirmed by the severe warnings which are uttered against such practices in tannaitic times. Thus we read in Aboth d. R. Nathan (second version, c. 33; quoted by Bacher, *op. cit.*, I, p. 430): "Do not look at your neighbour's vineyard; when you have looked, do not enter; when you have entered, do not touch the fruit; when you have touched the fruit, do not eat it; when you have, however, eaten it, you have torn yourself away from the life of this world and of the world-to-come." In Tos. Qid. 1.11 a saying is quoted in the name of R. Gamaliel in which he compares a man, skilled in a trade, to a fenced-in vineyard whose produce the passer-by cannot eat, while a man without a trade is likened to a vineyard without a fence whose produce the passers-by will eat. This is clear evidence that, in spite of legal prohibitions, passers-by continued to eat of the produce of vineyards in tannaitic times, unless there were fences or the like to prevent them from doing so. In the light of this conflict between official law and popular custom, Issi b. Jehudah's view might perhaps be understood as an attempt to normalize the position, by recognizing as legal what was practised anyhow.

The privilege of the worker to eat of the agricultural produce was to him a very valuable asset; for often his wages alone were not sufficient to feed him and his family. We find cases of workers stipulating that their children be allowed to eat of the produce in their place (Ma'as. 2.7). The expression "that my son may eat for my wages" suggests that the privilege of eating was considered part of the wages;⁶⁵ that is to say, it was probably taken into account, when the rate of wages was agreed upon, whether or not the worker was going to enjoy this privilege at the particular job for which he was employed. It was not considered permissible for the worker to transfer this right to his wife or children (Ma'as. *loc. cit.*; Bara'tha, quoted b. B. Metz.

⁶⁵ The phrase *בשכרי* is thus interpreted by Tosafoth on b. B. Metz. 92b, against Rashi who takes this case as an arrangement whereby the children eat against part of the actual wages of the father.

92a); if he did so, the produce became liable to tithes, which was not the case when the worker ate it himself. Nevertheless, it seems that such transfers did occur; for a worker who had no food to give to his family would rather starve himself and give all his food to his children. We find a warning, in the Tosefta (B. Metz. 8.2), that a worker must not starve himself and give his food to his children; this, presumably, refers to the food he buys for his wages. This practice is prohibited because, by doing so, the labourer would render himself unfit for work and thus "rob his employer." On the other hand, some workers were prepared to agree that they would not eat any produce; no doubt, in exchange for higher wages. Such an arrangement could be entered into by the worker also on behalf of his wife and grown-up sons if they worked for the same employer, but not on behalf of children who were still minors; for a minor cannot forego any rights legally (B. Metz. 7.6).

Mishnah and Tosefta regulate the application of this law in great detail. It is limited to produce of the soil (B. Metz. 7.2); in the case of produce still attached to the ground, eating is permitted only when "work is being completed," i. e. during reaping. Workers employed on produce already reaped may eat only "before work is completed." In the latter case, the phrase נֹמְרָה מִלֵּאכְתּוֹ refers, according to Baraithoth quoted b. B. Metz. 89a, to the completion of work with regard to the separation of tithes; the obligation of tithes arises, normally, only after the final stacking (מִירוּה) of the corn after threshing. According to another opinion, a worker may eat until the stage has been reached when the obligation for חֲלָה arises, i. e. when kneading the dough. In the latter view, a worker engaged, e. g., on grinding corn, would still be permitted to eat, whereas the former opinion would consider this stage to be "after the completion of work." Even workers, who were engaged on the produce prior to the actual reaping, often received permission from their employer to eat of the produce; in such a case, however, they were liable to separate tithes (Tos. Ma'as. 2.13 f.). According to one view, a worker was not entitled to eat produce of a value exceeding that of his wages; the majority view permits even this (Tos. B. Metz. 8.5). Although, according to the law, only those engaged

on actual work with the produce were entitled to eat, the privilege was extended "by custom of the land" also to watchmen and keepers employed to guard the crop. The worker was permitted to wait till he reached the best part of the crop, in order to eat his fill of it; he was permitted to eat sharp food beforehand so that he might eat more grapes; he could roast the grain before eating. The employer, on his part, was permitted to give the workers wine to drink, to stop them eating too many grapes. From these and similar details it can clearly be seen that this privilege was a matter of great practical importance, which considerably affected the economic status of the agricultural worker, who was eager to take full advantage of it.

Apart from this "eating of the produce," to which the worker was entitled by Biblical law, it was customary, in many places, for the employer to supply his workers with meals during working-hours. This was either specially stipulated at the time of employment or could be left to local custom (B. Metz. 7.1; Ma'as. 3.1). The customary meal, supplied to the workers, consisted of bread and pulse (*ibid.*). Often the food was set before them in a large feeding-bowl (Nedar. 4.4). While this very frugal sort of meal served to the workers in a common bowl was the rule, it also happened sometimes that the employer would eat together with his employees, in which case the food may well have been of a higher standard (Baraitha quoted b. Berakh. 16a).⁶⁶ Where it was customary to provide meals, it was unnecessary for the employer to stipulate it; on the contrary, he

⁶⁶ Prof. S. Krauss (*T. A.*, II, p. 104) somewhat distorts the picture when he describes the lot of the agricultural worker as an "extremely happy" one, and states that usually the workers were working side by side with the employer and were sharing his meals which, as a rule, were of excellent quality. For the last point, he refers to the remarks of R. Johanan in B. Metz. 7.1, which are, however, clearly prompted by an exceptionally scrupulous attitude, which cannot be considered typical of employers in general. Cases of workers, starving themselves to feed their children etc., demonstrate sufficiently that agricultural labourers were not invariably well off. Although there is a mention of workers sharing their meals with the employer, this was far from being the rule; the very phrase *אכוס הפועלים*, workers' feeding-bowl, is evidence that the employer did not usually eat together with them. It appears that Krauss bases his assumption, that the employer usually

might, by doing so, give rise to false hopes that he was willing to provide exceptionally good food (B. Metz., *loc. cit.*). The case is mentioned of employers who would give their workers, unknown to the latter, *terumah* (heave-offering) for their meals, in order to reduce the expenditure involved (Terumah 6.3). The Mishnah (Dema'i 7.3) also refers to the case of workers who do not trust their employer with regard to tithes, and lays down how they should conduct themselves with the meals provided for them. It is reported of R. Gamaliel (Dema'i 3.1), that he fed his employees *dema'i*, i. e. produce concerning which there was doubt, if tithes had been separated.

The great significance attached by the labourer to the food provided by the employer, is demonstrated when a Baraitha (quoted b. Berakh. 16a) speaks of workers who receive no wages other than their meals (cf. above, p. 277).

VIII. THE AGRICULTURAL DUES IN THE RELATIONSHIP OF EMPLOYER AND WORKER

Under the conditions of great economic stress and poverty which prevailed in tannaitic times (cf. above, p. 14 f.), when a worker might have "nothing to eat" (Baraitha, quoted b. Mo'ed Qat. 13a) and when an employer might go to almost any length in order to cut his workers' wages (cf. above, p. 277), it is not surprising to find that great importance was attached to the various agricultural dues, both by their recipients and by the landowners. These dues, which consist of priestly and levitic

worked side by side with his employees, on the frequent use of terms such as *מע, מי*, etc. in phrases such as: "a worker who works with a householder . . ." (Cf. e. g. Gen R. 70; Krauss, *op. cit.*, p. 500, note 718). There is nothing to show, however, that such phrases imply that the worker was working side by side with the employer; the expression *מע* is used in the sense of "for him," or "in his employ" (it had been used in Biblical Hebrew in precisely the same sense, according to Sulzberger, *op. cit.*). Krauss' references do not, therefore, prove that it was the practice of employers to work together with their own employees; even less, that it was their habit to share their meals with them.

A Baraitha, quoted p. Pe'ah 5.6, considers it equally likely for the employer to be in town or in the field while the harvest is going on.

dues on the one hand and of the "gifts to the poor" on the other, between them make up a very considerable portion of the harvest. Concerning the "heave-offering" (*terumah*), to be given to a priest, the Mishnah provides that it must be no less than one sixtieth part of the harvest (Terum. 4.3); the first tithe, the due of the Levite, is one tenth of the crop, of which the Levite, in turn, must separate a tenth to be given to a priest. The dues of the poor comprise the "corner of the field" (*pe'ah*), for which the minimum is again fixed at a sixtieth part of the crop (Pe'ah 1.2). In addition to this, there are the gleanings, forgotten sheaves, etc.; and, every third year, the poor man's tithe, a tenth part of the harvest. If one takes into account such further dues as, e. g., the first fruit, to be given to the priest, the firstborn cattle, the tithe of cattle etc., one is bound to conclude that a very large part of a farmer's income was liable for one or the other of these dues. The Roman authorities, on their part, levied taxes, sometimes as high as one fourth of the crop (cf. above, p. 264). Many peasants, unable to stand this double burden, had no choice but to neglect, if not entirely to ignore, tithes and *terumoth*. A great many of the 'am-ha'aretz were suspect in this regard; special laws, contained in the tractate Dema'i, had to be introduced for the guidance of the observant Jew who purchased his produce from an 'am-ha'aretz.

Even those landowners, who were prepared to do their duty regarding the agricultural dues, would try to "save" and limit to the minimum the financial loss involved. Opportunities of utilizing these dues "commercially" presented themselves mainly in connection with the hiring of workers. On the other hand, the workers were out for their full share, sometimes even for a monopoly, of the "gifts to the poor" on the particular estate on which they were working.⁶⁷

Not many employers would go to the length of disregarding entirely the sanctity of *terumah* by putting it to profane use, e. g., to provide meals for their workers (cf. above, p. 316). The only way, therefore, to "save" on the priestly and levitic dues, was to exact services from the recipients. The priests and Levites

⁶⁷ Cf. Baron, *op. cit.*, I, p. 204.

themselves would fall in with such arrangements, if they could thus procure for themselves a larger share of the dues. As the distribution of the latter was left entirely to the landowner's discretion — the case was different with most of the poor man's dues — he could exercise a good deal of pressure; a priest or Levite, who refused to come to terms, might not receive anything at all. Particularly in Galilee, in the second century C. E.,⁶⁸ keen competition existed between the priests for these dues; when the latter were distributed, usually on the threshing-floor, all the priests of the district, with their wives, children, and even their slaves, would come to claim their share. The landowner would, of course, favour those priests and Levites who had helped with the harvest or with the threshing. Priests would also assist the shepherds, in order to receive the first-born lambs, and would help when animals were slaughtered, in order to receive the portions of meat due to the priest (Tos. Dema'i 5.17; Baraita, quoted b. Bekhor. 26b; Sifre Zuta, quoted Yalkut Numbers 18, § 759). The Rabbis severely criticised such practices. They pronounced *terumah* and tithes, given in return for services, desecrated, and considered punishing the landowner by requiring him to give the dues once more in such a case (cf. Buechler, *loc. cit.*). A stage of even greater commercialisation of the priestly dues is indicated in Tos. Dema'i 5.18, 19, which states: "One must not give the heave-offering (*terumah*) of one's wine-press to the keeper of the wine-press nor the first-born of one's sheep to one's shepherd (although they are priests). But if one has given them their wages, one may give them (the dues) as a favour (*mishum tobah*)." Here we hear of priests who are regular employees of the landowner who pays them their wages in priestly dues; whereas the cases, mentioned previously, referred to priests helping casually with the work, in order to win the owner's approval and a proportionally larger share. There is no record as to how the employment as labourers of priests, who were paid in priestly dues, affected the position of the ordinary agricultural worker; but it may have led easily to a lowering of wages, because of the "cheap" priestly labour, and may even, in

⁶⁸ Cf. Buechler, *Der galiläische 'Am-ha'Areš* etc., p. 38 f.

some cases, have rendered the non-priestly worker unemployed. This may have been one of the motives prompting the Rabbis to prohibit this practice. Even greater abuses, in connection with the priestly dues, are reported by Josephus (*Ant.* 20.9, 2, 206 f.), who tells that the servants of the High Priest Ananias "went to the threshing-floors and took away tithes that belonged to the priests, by violence . . ., so that priests, that of old were wont to be supported with those tithes, died of want of food" (cf. Baron, *op. cit.*, I, p. 200). This text confirms the economic importance of the tithes for the recipients, and makes it plain that some of them would go to almost any length, in order to receive as large a part of them as possible.

In the case of the "gifts to the poor," the owner had no right to dispose of them, with the exception of poor man's tithe which, however, applied only every third year. The poor were entitled to enter the fields and help themselves to the "corner," the gleanings etc. Nevertheless, in actual fact, the landowner would often give those dues to whomever he favoured, sometimes to members of his own family (Tos. Pe'ah 1.6; 2.2), although this practice was against the law and was considered "robbing the poor" (Pe'ah 5.6). The hired worker, naturally, expected a share of these dues, in particular of the gleanings. We find quite frequent references to agreements between employers and workers which stipulate that the worker's children should be permitted to glean after him; presumably, such an agreement implied that the owner would not let others come in to compete with them. The worker, in return for this privilege, would probably be satisfied with a lower wage. Mishnah Pe'ah (5.6) states: "One must not employ a worker, on condition that his son shall glean after him." The Palestinian Talmud comments: "The employer, by doing so, would rob the poor; the worker, by doing so, would rob the poor and the landowner"; the latter, because he would drop ears intentionally to increase the gleanings. A Baraitha, quoted b. B. Metz. 12a, however, states: "If a man employs a worker, his son may glean after him"; this need not be in contradiction to the ruling of the Mishnah, as the latter only prohibits a stipulation which would give the worker's son exclusive rights to the gleanings. Where a man tills and

harvests another man's field as a tenant-farmer, in return for a fixed percentage of the crop, the Baraitha records a controversy as to whether his son may glean after him; the problem, in this case, is whether the worker is to be considered part-owner of the crop (cf. also Tos. Pe'ah 3.1).

Sometimes, the workers themselves would try to take the gleanings while they were reaping; as they could not stop work in order to pick them up, they contrived a technique of cutting the corn over their baskets, so that the gleanings fell into them. This practice, too, was prohibited (Tos. Pe'ah 2.3). Workers were in the habit of carrying such baskets (*quppah*) with them; possibly to carry their food and tools, or perhaps only for the purpose of picking up, whatever they could, of gleanings or bits of food they might find on their way.⁶⁹ Thus we find that R. Jehudah Hanasi' (A. d. R. N. 18.1) compares R. Akiba's method of study to "a worker who takes his basket and goes out; when he finds wheat, he puts it in; when he finds barley, he puts it in; when he finds spelt, he puts it in . . .; when he comes home, he picks out the wheat separately, the barley separately . . .". This picture of the agricultural worker, who picks up whatever he can find, must have been a familiar one, and is fully in accord with what we have learned before about the economic position of the labourer whose wages were by no means always sufficient for his subsistence. It is against this background that we must understand a Baraitha which lays down whether, and when, an article found by the worker during working-hours belongs to him or to the employer respectively (b. B. Metz. 12b).

There were some other ways, in which the "gifts to the poor" affected the hired worker incidentally. Tos. Pe'ah 3.1 prohibits the employment of gentile labourers for the harvest, as they were not familiar with the law of "gleanings" and would probably not let the poor have their dues. A certain amount of responsibility attached to the workers concerning the observance of these laws; thus, e. g., workers were not permitted to complete the harvesting of a field but had to leave a corner of sufficient size

⁶⁹ According to Krauss, *T. A.*, II, p. 217, the *quppah* was used in various ways in agricultural work, e. g., for gathering and carrying fruit while it was picked.

for *pe'ah*, apparently even if the employer had not instructed them to do so (Tos. *Pe'ah* 2.7). On the other hand, they were not normally permitted to separate the *terumah* without instructions from the owner, except in cases where it would clearly be in his interest for them to do so (Terum. 3.4).

IX. TIME OF WORK AND OBLIGATIONS OF THE WORKER

The working-day of the *sakhir*, the labourer employed and paid by time, lasted from morning to night. There are numerous references to workers being paid off and returning home לעת ערב, towards evening (cf. above, p. 293 f.). Referring to Ps. 104.22, Resh Lakish, in b. B. Metz. 83b, lays down that the worker must make the homeward journey "on his own time," i. e. after darkness has fallen, whereas he makes his way to work "on the employer's time," i. e. after sunrise. This may well have been the established custom already in tannaitic times, as Resh Lakish belongs to the first generation of Palestinian Amoraim. From Mat. 20.1 f. we learn that it was customary for the daily labourer to wait in the market-place early in the morning for an employer to come and hire him (cf. also above, p. 294 f.). In some places it was usual to start earlier or to finish later than in others (B. Metz. 7.1); the employer could not demand the longer hours of work where they were not customary. For some kinds of work, especially work in the fields, a very early start appears to have been the rule.⁷⁰ Where the employer had stipulated that the workers should work overtime, the latter were, of course, obliged to do so, even though shorter hours were customary in the locality.⁷¹ In Lev. R. 30.3, the verse "A prayer of the poor man

⁷⁰ Cf. Bacher, *Agadah der Tannaiten*, I, p. 101, who quotes R. Eliezer from Cant. R., Introduction § 9.

⁷¹ M. Hoffmann in "Die Arbeiterfrage in der biblisch-talmudischen Gesetzgebung" in *Jeschurun*, vol. 4, p. 596, states categorically, that the worker was not obliged to work overtime and that an agreement to this effect was not binding. This is certainly not correct. An explicit agreement was binding on any point, even where the worker consented to forego some definite privilege of his, e. g., when he agreed to the delay of payment of his wages beyond the time limit fixed by Biblical law (cf. above, p. 288). The statement in the

when he delayeth" (Ps. 102.1) is interpreted as applying to a "labourer who sits and watches for the moment when he can rest a while from his labour and finally finishes when it is late." From this, it might be deduced that, where the worker had wasted time, the employer was entitled to demand that he work longer to make up for the time lost;⁷² alternatively, the text may refer to a *qabblan* who is paid for the completed job and thus gains nothing by delaying, as he still must finish his work, even after nightfall, if he wants to receive his pay. The worker who was paid by time, in particular the *sekkhir yom*, was expected to work all day, with the exception of meal-times. It was natural that even good workers were slacking after a few hours; in many cases, the employer himself would go out to the fields to supervise them and to prevent them from wasting time. There are many references in the Midrash to the "slackness" of workmen and the need for supervision.⁷³ R. Johanan in b. B. Metz. 29b states: "He who wants to squander the money left to him by his father . . ., should hire workers and not stay with them (i. e. supervise them)." From the point of view of the law, a labourer, who did not work to his full capacity during working-hours, was "robbing the employer" (cf. e. g. Tos. B. Metz. 8.9). In Tos. (*ibid.*, 2) we read: "A worker is not permitted to do his own work at night and to hire himself out during the day . . . or to starve himself and give his food to his children, because he would steal the employer's working time (מפני גזל מלאכתו של בעל הבית)." From a Baraitha, quoted b. Nid. 61a, we learn inciden-

Mishnah, that the employer cannot "compel" him, clearly refers to a case where overtime had not been stipulated, cf. b. B. Metz. 83b, and Tosafoth *ibid.*, under the caption השוכר. Possibly Hoffmann, who does not quote any sources, refers to the text in Gen. R. 72.4 which says: "If a man has engaged labourers and arranged with them (פסק עמדם) to commence early and to continue after nightfall, he cannot compel them." There can be no doubt, however, that the words פסק עמדם are an error; they have already been amended by R. Samuel Strashun in his commentary, and this emendation has been accepted in the English translation of the Midrash; cf. H. Freedman, *The Midrash*, London 1939, Genesis, v. II, p. 664, note 2.

⁷² Cf. Freedman, *The Midrash*, Leviticus, v. II, p. 384, note 4.

⁷³ Cf. 'Abot 2.20; Gen. R. 70.20; Lev. R. 30.3; Eliyahu R. 1; also Krauss, *T. A.*, II, p. 500, note 715; also above, p. 315, note 66.

tally that agricultural workers were in the habit of taking shelter in caves, when rain was falling; we do not know if this was their recognized privilege.

The principle, that the *sakhir's* time is not his own but belongs to the employer, induced the sages to relax various religious duties, where hired workers were concerned, so as to prevent them from wasting the employer's time unduly. A Baraitha (b. Hull. 54b) forbids craftsmen to rise before scholars; this, presumably, refers to craftsmen who were employed for a daily wage (cf. Tosafoth, b. Qid. 33a, under the caption י"א); this concession is, at the same time, an expression of the esteem in which productive work and the workman were held by the law. Workers may interrupt their work for the recital of the *shema'* and the *tefillah*; but a worker, occupied on the top of a tree and the like, need not descend for the former, but must do so for the latter. The employer himself, however, though he may be working alongside his workmen, is obliged to descend in order to recite the *shema'* (Baraitha quoted b. Berakh.; cf. *ibid.* for details). In the opinion of Beth Hillel, hired workers were not even permitted to interrupt their work while reciting the *shema'*. A porter was permitted to say the *shema'*, while carrying a burden; in the case of *tefillah*, it depended on the size of the load (Tos. Berakh. 2.7 and Baraitha, quoted b. B. Metz. 105b). Workers were obliged, however, to recite not only the *shema'* itself but also the benedictions before and after it, and to say the *tefillah* three times daily; but they were not obliged, and therefore not permitted, to hold communal services or to recite the "priestly blessing" (Tos. Berakh. 2.9 and Baraitha, quoted b. Berakh. 16a). According to one view, they were only permitted to say a shorted version of the *tefillah*. The question of reciting prayers during working time would arise in most cases, as workers mostly had to leave their homes before daybreak, and morning prayers could not be recited before dawn (Berakh. 1.2).

Concerning grace before and after meals, one Baraitha (b. Berakh. 16a) lays down that workers must not say any benediction before meals, and only a shortened version of the grace after meals; this form of grace became known as "workman's

grace" (b. Berakh. 46a). When the employer joined them for the meal, or if they received no wages other than their food, they had to say grace in the normal way.

On the Mid-Festival days (*hol-hamo'ed*) of Passover and the Feast of Tabernacles, most types of work, except most urgent ones, were prohibited. A concession was made, however, in the case of someone, who "had nothing to eat," to reap, thresh, and grind corn; this, by implication, also entitled the hired labourer, who depended on his wages for his food, to accept employment on these days.⁷⁴

The worker had to take great care with the employer's property. All craftsmen were accounted "paid guardians" (B. Metz. 6.6); they were thus liable when the customer's property was lost or stolen from their premises. A shepherd or a keeper of produce was similarly liable; in the case of the former, the Mishnah lays down in detail, in which case an attack of wild beasts, e. g., counts as an avoidable accident. An artisan, causing damage to objects given to him for repair, had to pay compensation, if the damage was due to his neglect or lack of skill. When a craftsman had carried out a job badly, or had not obeyed the customer's instructions, e. g., if he had been instructed to dye some wool red, and he had dyed it black, he did not receive his agreed wages, but the employer paid him only either his outlay or the increase of value of the wool, whichever was the less. According to one view, the artisan, in such a case, had to refund the value of the wool to the customer (B. Qam. 9.3, 4). Workers, employed to transport jars of wine, had to pay for the wine, if they broke any of the jars; according to R. Meir, they were only obliged to take an oath that the jar had not been broken through negligence, after which they were free from payment of damages. This appears to be a special concession, as normally a "paid guardian" is liable even in case of loss etc., not caused by negligence (*peshi'ah*) (B. Metz. 6.8 and Baraitha, b. B. Metz. 82b). According to a Baraitha (p. B. Qam. 10.4), a worker, who damaged a booth in the top of a tree, was not liable to pay damages, if he did so in the course of his work.

⁷⁴ Thus R. Natronai Gaon in a responsum, quoted by Lewin, *Massekhet Po'alim*, p. 27.

If any remnants of material were left over, when the craftsman had completed his job, the law laid down, in fullest detail, which quantities the artisan was permitted to retain and which he was obliged to return. Thus, shreds of wool, which the washerman pulled out in the washing, belonged to him; but if he pulled out more than three threads, they belonged to the customer. Similarly, a tailor had to return a piece of cloth, if it was three fingerbreadths square or larger; a carpenter was permitted to retain what he took off with the plane but not what he took off with a hatchet. If he worked, however, on the customer's premises, even the sawdust belonged to the householder (B. Qam. 10.10).

THE ORIGIN OF PSALMODY

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I

PROFESSOR HUIZINGA of Leyden has, with no little ingenuity, shown the close kinship between ritual and play.¹ From Professor Huizinga's work we quote the following significant lines:

Ritual is seriousness at its highest and holiest. Can it nevertheless be play? We began by saying that all play, both of children and of grown-ups, can be performed in the most perfect seriousness. Does this go so far as to imply that play is still bound up with the sacred emotion of the sacramental act? . . . The play character, therefore, may attach to the sublimest forms of action. Can we now extend the line to ritual and say that the priest performing the rites of sacrifice is only playing? At first sight it seems preposterous, for if you grant it for one religion you must grant it for all. Hence our ideas of ritual, magic, liturgy, sacrament and mystery would all fall into the play-concept.

In the sacred recreation called ritual, psalmody plays a vital part.

What are the musical elements that constitute the chant of psalmody? The systematization offered by the Gregorian scholars will, notwithstanding its rigidity, render us appreciable assistance. In *La Paléographie Musicale*, near the beginning of the third volume, the editors express themselves as follows:

La structure psalmodique se compose de trois parties: une intonation (initium); une récitation, (tenor), et des cadences; (clausulae, mediantes ou finales), ponctuant, d'après des types mélodiques fixes, les membres de phrase et les phrases.

L'accent est l'expression de ce qu'il y a de plus musical dans langage, considéré à ce point de vue, il est une mélodie. Voilà un premier caractère que nous devons retrouver dans les cantilènes liturgiques.²

¹ J. Huizinga, *Homo Ludens*, New York, 1950, pp 158 ff.

² *La Paléographie Musicale*, III, p. 9 H.

These sentences set forth explicitly the nature of psalmody. At the same time they imply something not expressly stated, namely, the *paralellismus membrorum*, inseparable from all psalmodic structure.³ This characteristic has to be grasped before we can understand the other characteristics, especially that of musical punctuation.

Occidental psalmody exhibits a close interplay of those constituent factors. Does the same apply to other psalmodies? It does, although in other cultures, as well as in certain strata of the Gregorian chant itself, the separate elements and the interaction of those elements show not so much fixity. Parallelism, with the major and minor caesuras, remains prerequisite; similarly the melodic line with a discernible tendency towards an identifiable tenor; also the syllabic quality uneffaced by any excess of melismatic phrases. Thus modified, the psalmodic structure is common to all three monotheistic religions.⁴ Yet modality, stressed though it is in the psalmody of the Jews and of the Latin Christians, is not always perceptible, particularly in the oriental Church where the traditions of psalmody were not so firmly grounded. Likewise in Arabic, Syrian, and oriental Jewish psalmody, it is sometimes not possible to make out a particular mode. This is due to the frequent mixture of the various modal patterns. Moreover, ending as a matter of course with the same finales — in Gregorian Psalm tones, the general rule — also does not feature those other psalmodic types.

In all Catholic churches, in Judaism, and in Islam, an essential ingredient of the ritual is cantillation. The Latin *lectio sollemnis* and the Hebrew chanting of the Pentateuch have prominent features in common.⁵ Both the *lectio sollemnis* and Hebrew cantillation exhibit, besides punctuating melisms, a

³ *Ibid.*, discusses at length the parallelistic nature of psalmody later on.

⁴ It is no accident that the monotheistic religions are the main vehicles of genuine psalmody. Later we shall see that psalmody is rooted in the genius of the Semitic languages. Since all three monotheistic religions originated in Semitic countries, this was bound to be the case, no matter how psalmody was afterward modified by Occidental languages and cultures.

⁵ My book, *The Sacred Bridge*, now in press, will discuss this badly neglected topic.

discernible inclination toward an identifiable tenor and, in most cases, parallelisms. In fact, Hebrew cantillation has developed punctuating melisms further than it has developed plain psalmody. But it is doubtful whether this applied to all times and places. When Judah Halevi stated that "A hundred persons cantillate the Torah as one person, stopping in one moment and continuing simultaneously," he said something that boldly conflicts with the practice of today whether Yemenite or Sephardic or Ashkenazic.⁶ The Latin *lectio solemn*, by contrast, heeds only punctuations of the major kinds. In the Byzantine ecphonic cantillation, signs of punctuation do occur, but there is no musically identifiable tenor; the ecphonesis being only a *Sprechgesang*, something intermediate between speech and musical tone.⁷

According to historical records, the entrance of psalmody into the ancient Greek and Roman world came as something revolutionary. Persons unfamiliar with it found it astonishing. No uncertainty is left on that score by the Ecclesiastical History of Socrates or by the writings of Diodorus of Tarsus, Clement of Alexandria, Pliny the Younger, even Jerome — those writers who were either pagans or Christians of gentile extraction. No such amazement marks the writings of the Apostles or of others familiar with Jewish or with Syrian ways. Paul treats psalmody as nothing out of the ordinary.

Those to whom psalmody was a wonder contrast it with the music of the theater and of the circus. John Chrysostom pronounced the function of psalmody to be that of producing *compunctio cordis*, contriteness of heart.⁸ And: "It is the power as well as the mystery of the Davidic Psalms that they are capable of keeping our mind free from all happenings of daily life."⁹ Eusebius speaks of psalmody as a harmony of the soul which generates goodness of conduct even if the singing is unattended by con-

⁶ Jehuda Halevi, *Kusari*, II, 76, ed. Cassel.

⁷ For musical examples, cf. C. Hoeg, *La Notation Ecphonetique*, Copenhagen, 1935.

⁸ John Chrysostom, *De Compunctione Cordis*, II, 1.

⁹ Andreas of Caesarea in P. G. 106, 1072.

templation.¹⁰ Augustine held psalmody to be a new kind of music which David invented as a mystic device for serving God.¹¹ Jerome testifies repeatedly to the exquisiteness of hearing vast congregations sing Psalms in such unison that "it all but lifted the roof." The responsorial rendering of Psalms at the church service — men, women, and children participating — is likened by Ambrose to the power of the ocean.¹² The same church father eulogizes psalmody as "the blessing of the people, the praise of God, the exultation of the community, the voice of the Church, the applause of everybody, the enjoyment of freedom."¹³ Chrysostom declared that the purpose of psalmody is not art but instruction — such instruction as advances and tranquilizes the soul.¹⁴ Also the Rabbis extol the psalter, but without any amazement at its potencies, except in cabalistic literature where it is considered a powerful mystic tool.

II

Bearing in mind the antiquity of Psalm singing and the paucity of reliable sources, we would do best to trace the development of each of the three constituents separately. While psalmody represents a synthesis of all three, each ingredient is older than the compound. Despite its simple appearance, psalmody is not something elemental. Psalmody is a product of reflection and organization.

A *sine qua non* of psalmody is parallelism. Parallelism, though familiar to us from the Bible and its imitations, began long before the Bible. It shows itself in the ancient literatures of Egypt, Akkad, Babylonia, and Ugarit. It is common to all Semitic and Hamitic languages. The differences among them are differences of degree and quantity, not any differences as regards the presence or the absence of parallelism. Degrees of parallelism

¹⁰ Eusebius, Comment. in *Psalmos*, beginning.

¹¹ Augustine, *De Civitate Dei*, VII, 14.

¹² Ambrose, in P. L. 14, 178.

¹³ *Ibid.*, P. L. 14, 924.

¹⁴ Chrysostomus, in *Psalm*. 100.

can be illustrated by comparing some pre-biblical samples of parallelism with the biblical. An Egyptian example is:

The Lord of truth and father of all gods
Who made all mankind and created the beasts,
Lord of what is, who created the fruit tree
Made herbage and gave life to cattle.¹⁵

A Sumero-Akkadian example is:

Who — to her greatness, who can be equal?
Strong, exalted, splendid are her decrees.
Istar — to her greatness who can be equal?¹⁶

A Sumerian example is:

Let the weapons of battle return to your side,
Let them produce fear and terror.
As for him, when he come, verily my great fear
will fall upon him,
Verily his judgment will be confounded, his
counsel will be dissipated.¹⁷

An Akkadian example is:

I will show Gilgamesh, the joyful man!
Look thou at him, regard his face.
He is radiant with manhood, vigor he has.
With ripeness gorgeous is the whole of his body
Mightier strength has he than thou,
Never resting by day or by night.¹⁸

A Ugaritic example is:

Thy decree, El, is wise: Wisdom with ever-life
thy portion
Thy decree is: our King's Puissant Baal, Our
sovereign second to none;
All of us must bear this gift, all of us must
bear this purse.¹⁹

¹⁵ J. B. Pritchard, *Ancient Near Eastern Texts*, p. 305.

¹⁶ *Ibid.*, p. 383.

¹⁷ *Ibid.*, p. 46.

¹⁸ *Ibid.*, p. 75.

¹⁹ *Ibid.*, p. 133.

Scholars have not always appreciated the full import of parallelism for musical forms. Investigators may have recognized the responsorial or antiphonal refrain as well as other features of psalmody, but they have neglected to trace these back to the parallelistic hemistiches which constitute fully two-thirds of the Bible. Throughout the centuries, the Bible translators have jealously preserved this trait; most of all, Jerome with his three attempts to produce an adequate translation of the Psalms. A glimpse into the learned prefaces with which Jerome introduces these several ventures will demonstrate how earnestly Jerome grappled with the problem of retaining the Hebrew idiomatic structure in a fundamentally different language, and of doing so without introducing into that language too much that was alien. Jerome fully grasped the significance of parallelism.

Parallelism can be traced to primitive beginnings. Professor Lach has endeavored to connect it with repetitions such as those in the speech of small children — da-da, be-be, ma-ma, and the like. Lach's ideas seem to rest on certain hypotheses of the Semitic scholar, the late D. H. Mueller, though Lach does not mention Mueller.²⁰ Lach's excellent study indicates the lines to follow. There is no denying that every parallelism is a repetition. Yet, between a child's babble and such verses as:

The sea saw it and fled;

The Jordan turned backward,

or

I will lift up mine eyes unto the mountains;

From whence shall my help come?²¹

there stretch what thousands of years!

It is in Hamitic and in Semitic literatures that the earliest recorded instances of parallelism appear. Not a trace of parallelism can be found in Sanskrit or in Old Persian. We might even

²⁰ R. Lach, "Das Wiederholungsprinzip," in *Oester. Akademie der Wissenschaften*, Phil.-Hist. Klasse, 1923-24, also in the same author's *Melöpoie*, pp. 391, 593, 613 ff.

²¹ Psalms 114.3; 121.1 For an exceedingly useful discussion of biblical parallelism, see Theodore H. Robinson, *Poetry and Poets of the Old Testament*, London, 1947, pp. 21-46.

question whether parallelism was the origin of the dichotomic form characterizing so many kinds of metrical melody. The basic requisite of metrical music would exist where each hemistich contained the same number of words or accents. But such was not originally the case. Hardly a single verse of the biblical Psalms shows, in both halves, the same number of words or beats. Whatever may have been the design of ancient Hebrew prosody, if there was any design, it did not entail an equal number of words, still less of syllables, in the two halves of any verse.

While literary parallelism can be traced back to the third millennium before the Christian era, not a vestige of it appears in the literature of the Indo-European languages. Parallelism may nonetheless have prevailed in languages which have not yet been deciphered. Once adopted in the poetry of the Bible, parallelism, by way of translation, entered practically all of the world's literatures. It continues in the modern Occidental literatures though, from these literatures, other poetic devices such as alliteration and isosyllabism have vanished. In Graeco-Christian and Latin Christian literature, as we perceive from the Oxyrhynchus Hymn,²² and from the *Te Deum* and other Christian poems of the first five Christian centuries, parallelism was deliberately imitated.

Except for some ancient Persian parallelisms which show distinctly Babylonian traces, parallelism was unknown to the vast Indo-European literature of ancient Asia. W. F. Albright aptly admonishes: "Even today few biblical scholars have an adequate appreciation of the importance of the strictly formal element in ancient literary composition."²³ Even musicologists and philologists, when they do not overlook, fail to understand the importance of parallelism and its ramifications for the musical forms to which these gave birth. Winfred Douglas, in an excellent description of musical forms, pronounces of high significance "the principle of inflected monotone, corresponding accurately to the various rhetorical pauses of prose; such as we have in the ancient

²² Apparently most scholars have failed to notice that the Oxyrhynchus Hymn is actually a paraphrase of Psalm 93.

²³ W. F. Albright on Psalm 68 in *HUCA*, Vol. 23, Part One, p. 2.

tones of Lessons, Epistles, . . ."²⁴ Yet this author, while he discusses the regular pauses, nowhere treats them as corollaries of the parallelistic structure.

All concomitants of parallelism have been shown to exist in the less ancient Semitic tongues. These concomitants include particularly the punctuating melisms, that basic element of psalmody. They likewise include altered vocalization and accent or inflection at the half-stops and at the full-stops. Since we do not know the precise vocalization of the texts in Akkadian or Ugaritic, it is impossible to determine whether those ancient Semitic languages did or did not provide some grammatical indications of the places at which the hemistiches ended. Professor Albright appears of the opinion that some of the later Babylonian texts shift the accents to indicate the crucial points. Hebrew, Biblical Aramaic, Arabic, and Early Syriac do exhibit those characteristics.

More difficult to trace is rendition of one tone per syllable. Such is the case in psalmody whether we do or do not take into account the inclination toward an identifiable tenor. No exact description of ancient psalmody has come down to us except the famous passage in Augustine's *Confessions* where he glories in the music of "una voce dicentes," the ideal of *Koinonia*, the community worship of the early Church.²⁵ The truth is that an ideal of that kind can be achieved only at the sacrifice of music; plain recitation would inevitably be syllabic. Similar reports in tannaitic sources, dating from a period two hundred years earlier, apprise us how certain Psalms and certain parts of the liturgy were rendered:

When an adult leads the reciting of the Hallel, the others present respond to each verse: "Hallelujah." When a minor leads, the others repeat after him word for word.²⁶

Aside from these passages and a few others like them, we possess no information except such as pertains to singing among

²⁴ Winfred Douglas, *Church Music in History and Practice*, pp. 18 ff. The book is of great value in many respects.

²⁵ Augustine, *Confessions*, 9.4. Much more insistent in this regard is Athanasius in his *Apology to Emperor Constantine*, P. G. 25, 616.

²⁶ Sotah 30b.

the Greeks. Extant notations of Greek melodies indicate that song among the Greeks demanded an all but rigidly syllabic performance. Of melismatic passages with more than two tones per syllable, there is not an intimation. For one thing, Greek singing shows nowhere any bent toward an identifiable tenor. It is entirely unacquainted with parallelism and with that concomitant of parallelism, the punctuating melism. Still, syllabizing psalmody, in some form, must have existed in the Semitic pre-Christian world.

In default of any evidence from history, some non-historical inquiries may prove helpful. In Israel, Dr. Johanna Spector has made more than two thousand tape recordings of Yemenites, Arabs, Iraqis, Copts, Syrians, Kurds, Samaritans, and even Hindus, representing at least five different religions. Among such of those records as I heard, what most impressed me was a choral cantillation of the Yemenites as well as the Kurdish and the Samaritan psalmody. Without anticipating Dr. Spector's conclusions, soon to be published, I noted the following:

1. Cantillation, while commonly performed by a soloist, is for certain poetic portions rendered, in accordance with tradition, chorally. Where this custom has existed for centuries, as for instance among the Jews of Yemen, the range narrows down to a third or a fourth. The pronunciation is entirely syllabic; melisms occur only at the close or *punctus* of the entire paragraph. In contrast with this, the solo cantillation of those same groups resorts to punctuating melisms in abundance, using them in every verse. The ambitus of the solo goes to a fifth or even a sixth. Group cantillation appears to have been well acclimated to Jewish tradition. Judah Halevi, in the twelfth century, recalls the strong impression created when hundreds, in unison, would cantillate the Pentateuch in a strictly syllabic, even metrical manner.²⁷

2. The psalmody of the Kurdish Jews is largely archaic; it employs a hexachord with two conjoint tetrachords. It is not strictly syllabic. Moderately ornate, it rests upon a tenor usually

²⁷ Judah Halevi, *Kusari*, II, 76, ed. Cassel. See also Aloni, תורת המשבילים, p. 40. It is highly interesting to note that this mass cantillation often assumes the character of a primitive organum.

in the upper third of the finalis, though occasionally the entire Psalm ends on the confinalis.

What now are the inferences to be drawn with regard to syllabic rendition and its origin? It goes without saying that solo psalmody is older than choral psalmody. We must allow that centuries had to elapse before solo performance could become regulated. After the inception of choral psalmody and of its teaching, other centuries had to elapse before a method of group singing could attain fixity. Group singing would naturally tend toward syllabic rendition or toward an identifiable tenor; in solo performance, a type of psalmody more melodious than that of dry recitation is suggested. Confirmation of this can be found among the fathers of the Church who either exalt in the "melodious tunes" of early psalmody or brusquely oppose all musical appreciation.²⁸ Basilus writes: "Only for this one reason have the sweet melodies of the Psalms been fashioned: that they who are young and immature, either in years or in spirit, may build and educate their souls while engaged in making music."²⁹ Methodius observes: "I have no desire to listen to sirens who sing one's epitaph . . . but I do wish to enjoy heavenly voices . . . not as one addicted to licentious songs but as one steeped in the mysteries divine."³⁰ Augustine reports that Athanasius had instructed his psalmody to chant with such simplicity "ut pronuntianti vicinior esset quam canenti" (PL 32:800). A similar antipathy, according to the Talmud, prevailed among the Jewish contemporaries. After the destruction of the Temple, the Rabbis showed scant love for musical performance. Their animosity bursts out in such phrases as: "Song in the house, ruin at the threshold," "The ear that listens to music should be torn off."³¹

²⁸ Socrates, Hist. Eccles. II, 8. Augustine, *Sermon Supposit.* Also Jerome, Comment. in *Ep. ad Ephesos*, 284.2.

²⁹ Basilus, Homilia I in *Psalmos*.

³⁰ Methodius, *De Libero Arbitrio*, in P. G. 18, 240 ff.

³¹ Sotah 48a. See also my study, "The Conflict between Hellenism and Judaism" in *HUCA* 1947, 415-417. Rashi interprets a passage in Sabbath 106b to the effect that a certain remark in the Talmud was superfluous. It was idle and unnecessary *as a song*.

If we examine liturgies such as the Syrian, the Nestorian, or the Jewish, in which choral psalmody has been accorded a minor role, we find that psalmody has remained more melismatic and more flexible and not, like the Latin and Byzantine, rigidly insistent upon one invariable tenor, in the Byzantine theory recognizable as the neume *Ison*. Soloistic traditions abound in psalmodies with two tenors. Even the Gregorian chant incorporated two tenors in its *Tonus Peregrinus*. The plain psalmody of the Gregorian chant and the Byzantine chant must be considered the result of a regressive anti-melismatic movement which itself originated with the advent of choral intonation. Since an entire group cannot, in exact unison, chant melismatic tunes every day in the week, the more florid texture of psalmody that once existed became gradually polished down to a bare framework of *initium*, *tenor*, *flexa*, and *punctus*.

Ornate psalmody, at least in some of its samples, appears to date back to an earlier age and to more spontaneous modes of expression. It is necessary to distinguish between such types as are reducible to clausulae of plain psalmody and a more recent type which is predominantly as well as originally, a melismatic chant for festivals. To the first category belong the graduals of ordinary Sundays; to the second, the brilliantly arranged responsoria of masses for the holidays. To trace each category back to its beginnings would be extremely difficult and would demand years of study.³²

We are confronted here by an important problem. All Christian sources agree that the graduals — that is the Psalm verses sung between the lessons — are a direct heritage from the synagogue.³³ Yet the texts and tunes of the graduals change each Sunday in accordance with the lesson and with the season of the ecclesiastical year. The earliest Jewish source to mention the practice of Psalm singing, before and after the lection from the Torah, is the tractate Soferim,³⁴ a source far too late for

³² P. Wagner, *Gregorianische Melodien*, I, 33.

³³ *Ibid.*, I, 81. Also *Constitu. Apost.* II, 57. See also L. Venetianer in *ZDMG*, Vol. 63, pp. 103 ff.

³⁴ Soferim, ed. Mueller. Chap. XIV, p. XXIV and pp. 191-194, where all the sources are given together with some suggestions.

our present inquiry. Even if we grant that Soferim describes a practice which was two centuries old when Soferim was composed, the reference would still apply to a period not earlier than the fifth or the beginning of the sixth century C. E. Moreover, if we accept the account in Soferim, the verses recited from the Book of Psalms before and after the Scroll was read, did not change in the course of the year; while, in the Catholic Church, the texts and tunes for the graduals do change. Only one Christian scholar has taken cognizance of the dilemma. Dr. Baumstark suggests that originally, in the synagogal singing of verses from the Psalms, the verses varied from Sabbath to Sabbath as the reading from the Torah varied, but that later the practice was abandoned.³⁵ Baumstark gives no evidence or source for this conjecture. This being all we know, the origin of the gradual remains an unsolved problem.

All proof is lacking that there was a *public* and *cyclical* reading of sacred scriptures among the Babylonians and the Egyptians or any of the neighboring peoples. Herodotus seems to intimate that there may have been such a practice among the Zoroastrians of ancient Persia. In the old civilization of Mesopotamia, the reading of holy writ belonged to the closely guarded arcanum of the priesthood. As one peruses the collection of ancient texts such as appears, for instance, in Pritchard's *Ancient Near Eastern Texts* and similar works, one cannot fail to recognize the esoteric character of nearly all ancient rites.³⁶ In the Akkadian and the Egyptian, as well as other cults of the ancient Near East, such as the Ugaritic and Mandaic, the hymns and psalms were hidden from all except the officiating priests. In this, as in various other respects, it is different with the Psalms of the Bible. These figured in the ritual of the Temple. There was about them nothing cryptic. There were no mysteries to hide, except perhaps the musical intricacies of the Levites who, like any closed guild, were reluctant to part with their professional secrets.³⁷

³⁵ A. Baumstark, *Liturgie Comparée*, 3d. edit., p. 51.

³⁶ T. H. Gaster, *Thespis*, p. 52, n. 30.

³⁷ C. G. Cumming, *The Assyrian and Hebrew Hymns of Praise*, p. 58.

Where, in ancient literature, can there be found the pattern of parallelism combined with a rendition that is public, regular, cyclical? This is for us an important question. We have seen how parallelism is peculiar to the Hamitic and the Semitic languages, but without a trace in the Hittite. Punctuation does occur in the pericopal reading of the Sanskrit Avesta, but it belonged apparently to the *Yasna*, the Old Persian ritual. Its age is a matter of dispute.³⁸ By elimination, we thus identify, as the prototype of psalmody, a Canaanite ritual preserved in the Ugaritic poem which goes by the name of "Dawn and Sunset." This ritual has been linked with that for the Feast of the First Fruits.³⁹ Here, so far as I know, there appears, for the first time, the combination of parallelism, public performance, and recurrence. It stands to reason, of course, that there may have been texts which were considerably older but which have not come down to us. In all events those texts were, without exception, Semitic or Semito-Hamitic.

Already in the ancient Semitic rituals of Babylon and Ugarit, as well as of Israel, responsorial and antiphonal rendition are matter of course. The parallelism, with its dichotomic structure and its middle caesura, engenders or at least strongly favors such performance. In the light of what is now known of ancient Semitic rituals, Christian surmises about the monastic origin of antiphony have to be revised.

It is not impossible that Ezra, who introduced the *cyclical public* reading of the Pentateuch, was familiar with the Persian custom, particularly since he lived in Babylonia after the conquest by the Persian king, Cyrus. Ezra may have set a standard for all subsequent millennia, even running counter to the secretiveness of the priesthood in the Second Temple at Jerusalem.⁴⁰ Less than four centuries elapsed between Ezra and the rise of Christianity. During that period, the chanted cyclical public reading of the Pentateuch became established and perfected. The cantillation of the Torah was a familiar practice as early

³⁸ *Grundriss der Iranischen Philologie*, II, 3. Personal discussion with Prof. Geiger confirmed these impressions.

³⁹ T. Gaster. *Thespis*, pp. 231-251.

⁴⁰ T. H. Gaster, *op. cit.*, pp. 74 ff.

as the first century before the Christian era. By the third Christian century, the Jewish sages both of Palestine and of Babylonia were stressing the proper divisions and punctuation of biblical verses for purposes of exegesis.⁴¹

Returning now to psalmody, if we assume the original practice in Judaism to have been a flexible rendering more or less melodious, a change seems to have occurred during the period of the Second Temple. From various sources we learn that the musical rendering of the Psalm had become well regulated. The requirement that every singer undergo five years of training would support this conclusion.⁴² That the chant was minutely organized seems indicated by the adage: "If it be a tradition, learn it by heart, word for word, as a song."⁴³ Still, we do not know whether anything other than oral instruction was invoked for preserving the tradition with such exactness.

III

The third and perhaps the most distinctive element of psalmody resides in the punctuating melisms. What do we mean by punctuating melisms? And what can we say about their origin and their history? There is ample reason for surmising that the melismatic type originated in the Near East, but the first attempts at ecphonetic notation stem from the circles of the Hellenistic grammarians in Alexandria. Though there were earlier efforts at punctuation in Sanskrit, it was the Greek system that got to prevail both in the East and in the West.⁴⁴ The musical synthesis of punctuation and melism became the outstanding characteristic of psalmody. But it were erroneous to assume that what occurred was only a simple grafting of the Greek system upon Semitic practice. Forms and ideas do not

⁴¹ E. g. in Ned. 37a and b. For a discussion of these passages, Winter und Wuensche, *Jüd. Literatur*, III, p. 491.

⁴² Hullin 24a, Arakin II, 6.

⁴³ Sabbath 106b. Rashi, however, gives a different interpretation. See note 33.

⁴⁴ For this and similar information regarding Iranian and Sanskrit, I am indebted to Prof. Bernard Geiger of Columbia University.

follow such mechanical ways. In pre-Christian Judaism, as we have seen, the proper reading of scriptural texts, with the correct separation of words and phrases, was well established. Whether there existed any theory of punctuating melisms we are uninformed. In our survey of ancient psalmody, the visible punctuation will therefore serve as our *terminus a quo*.

We can readily perceive the importance of punctuation for the parallelism favored by the old Semitic tongues. The free distich falls into stichoi by means of the middle caesura (*mediato, flexa*, Atnah). All of this has been frequently observed. What has not been observed is that Semitic languages alone employ the elongated, the so-called pausal forms at the caesura and at the full stop. Elongations frequently appear also at the emphasized beginnings of verses in poems. They are called, in Hebrew, Pe'ur (פִּיאוּר); in Arabic, *Tafchim*.⁴⁵ Falling, as they do, at the major breaks in the sentences, these embellished or lengthened forms may have furnished the linguistic origin of psalmodic melism. Some scholars, such as Bauer-Leander, Robinson, and others, believe that the elongations were specially created for the solemn recital of sacred texts.⁴⁶ It is of interest to note that the ancient Indo-European languages, such as Sanskrit and Iranian, do not possess anything comparable to pausal forms or their equivalents, though Sanskrit does possess a kind of ecphonetic punctuation which certainly antedates that of the Masorites, of the Christians, and even of the Alexandrian Greeks.⁴⁷

The lengthened forms were of far-reaching significance for the musical rendering of the text. The full stop and the half close now demand cadences less abrupt and a more gradual falling of the voice. This is the precise function served by the punctuating melisms. As long as strict parallelism is maintained,

⁴⁵ W. Bacher, *Die Anfänge der Hebräischen Grammatik*, pp. 57, 101; also Kusari, II, 80.

⁴⁶ Bauer-Leander, *Historische Grammatik der Hebr. Sprache*, p. 186 and note on the subject.

⁴⁷ I am indebted for this piece of information to Prof. Bernard Geiger. Cf. also O. Fleischer, *Neumenstudien*, I, Chapters 1 and 2 where, however, no chronological synopsis of the accentual systems is provided.

even a translation can, with the music of psalmody, present a fair simulation of the Semitic style.

All translations of the Bible, from the Septuagint down, take pains to preserve the parallelism even though it could not be done literally or grammatically. It was a contrivance out of accord with the spirit of the new language even when syntactically correct. From the inherently differing principles of the respective languages, discrepancies were bound to arise.⁴⁸ The Hebrew verse, whatever its length, rarely falls into more than two parts. Such is by no means true of the Latin or the Greek or, for that matter, the English. Those other languages often require two or three verses where, for the Hebrew, one verse suffices. To illustrate, Ps. 68.5 divides as follows according to the oldest Latin and Hebrew punctuation:

<i>Latin</i>	<i>English</i>	<i>Hebrew</i>
Cantate Deo	Sing unto God,	שירו לאלהים
Canite nomen ejus:	Sing praises to His name;	זמרו שמו
preparete viam	Make plain . . . a highway	סלו
ascendenti per deserta;	that rideth in the desert;	לרכב בערבובות
In Domino nomen ejus	Whose name is the Lord,	בִּיה שְׁמוֹ
et exsultate coram eo.	and exult ye before Him.	ועלו לפניה

The Latin comes from Jerome's *Psalterium Juxta Hebraeos*. J. M. Harden, who edited a recent edition of this work, points out that the subdivisions in the Codex Hubertinus "agree, on the whole, with the Massoretic divisions of the verses."⁴⁹ In the translations, however, melisms are attached to each pausa. Thus we find, for purposes of punctuation, three and even more embellishments in one verse, especially in the psalmody of the Office; while each verse in the Hebrew has not more than one *Atnah* and one *Sof Pasuk* (*punctus*). This could account for the many flourishes which seem to represent the abundant punctua-

⁴⁸ It is of interest to note that Jerome was well aware of these difficulties as his three or four separate attempts at translating the psalter indicate. Cf. J. M. Harden, *Psalterium Juxta Hebraeos Hieronymi*, London, 1922, especially pp. XXV ff.

⁴⁹ *Ibid.*, p. XXVI.

tion in the ancient solo psalmody of the *Tractus*. It was Peter Wagner's contention that, in these melisms, there are vestiges of psalmodic ornamentation going back to ancient Hebrew lore.⁵⁰

IV

Looking at these conclusions from the viewpoint of the musicologist, we may picture psalmodic development as a broad chronological panorama. With allowance for the overlapping inseparable from all organic evolution, the following would approximate the order of its phases:

1. Worship may have originated in the sacred cries which primitive cults emitted for the purpose of inviting friendly forces and of warding off demonic forces. Traces of such invocatory and apotropaic functions seem noticeable in the ancient Shofar.⁵¹

2. After the creation of a sedentary and, as a rule, hereditary priesthood, there occurred some regulation of these cries and of their transmission.

3. In Sumir, Babylon, and Ancient Egypt, there arose the sacred dialogue and the ritual pantomime and — possibly sequel to these — antiphonal rendition.

4. Originally manifesting, in the Semito-Hamitic languages, the principle of repetition, parallelism became inseparable from poetic diction. Once recognized as such by the singing poets, parallelism got to be musically implemented. This was achieved by means of dichotomic structures and punctuating melisms. It is doubtful whether, in times that ancient, any aesthetic need was felt for a tenor or for two tenors. Considering that all kinds of *flosculi* were indigenous to the music of the Near East, such a sense of need was all the more unlikely.

5. A dual trend, simplification for daily use and elaboration for special occasions, becomes discernible in the ritual of Babylon

⁵⁰ P. Wagner, *op. cit.*, p. 368. See also E. Werner, "The Common Ground of the Chant of Church and Synagogue" in *Atti del Congresso Internazionale della Musica Ecclesiastica*, Rome, 1951.

⁵¹ Rosh Hashanah 16b, also Rashi to Rosh Hashanah 37b.

and in that of the Jewish Temple. This continues recognizable in the liturgical music of Jews, Christians, and Moslems of Europe, America, and Asia. A chant repeated daily would lead to the fixation of a tenor and of a finalis.

6. During an earlier period, that is, during the second millennium before the Christian era, there emerges the system of eight modes or rather of eight preferred modes. Here music exhibits traces of its ancient function as magic. The eight modes bore an ethical symbolism and pointed the way to an outlook in which doctrines regarding music carry an ethical import.⁵²

7. The phases thus far enumerated embody the pre-logical forerunners of psalmody. Thenceforth appear the forms and the types which are organized. The oldest of these are such standard practices as refrains and responsoria engendered by the parallelisms embodied in the sacred literature of the Near East.

8. The next two developments must have coincided with the fixation of the biblical canon and with the new procedures of worship in the Temple. Instrumental accompaniments by professional musicians, necessitating a fixed pitch, had momentous results. It was probably during the Maccabean period, in all events not later than the second century before the Christian era, that this took place. The establishment of the canon generated the precise division of verses that provided the stability on which punctuating melisms could rest.

9. The final link in this long chain was ecphonic notation, indicating either the parallelisms of the original Hebrew with its punctuation or the semi-parallelisms of the translations. This occurred during the fifth and the early sixth of the Christian centuries and simultaneously in the Hebrew, Byzantine, Armenian, Syrian, and Latin orbits.

It is obvious that this development required thousands of years. The earliest sources present the sacred and frequently antiphonal dialogues of the ritual which antedate the second pre-Christian millennium. Prior to that millennium, other millennia were needed to develop the primitive and the part prim-

⁵² E. Werner, "The Origin of the Eight Modes of Music," in *HUCA*, Vol. 21 (1948).

itive conditions for those dialogues; presupposing, as these do, a fixed calendar, an established ritual, and a professional caste of priests. But, while the magic that preceded psalmody thrived in the occult rites of the initiate, psalmody could attain its full stature only when secrecy was discarded and the indispensable community participation facilitated. It was the democratic spirit of prophetic Judaism — as distinguished from legalistic Judaism — that caused the esoteric to be abandoned. During the fifth and the sixth Christian centuries, the musical psalmody, which had begun in the Second Temple, underwent systematization both among Christians and among Jews.

As we have seen, the tradition of psalmody, while an old one, did not constantly proceed along unvarying ways. Deviations were frequent. This makes it all the more astonishing that so much of the archaic patterns has survived. This persistence seems to indicate that, implemented and strengthened by musical archetypes, the principle of emphasis through repetition, which underlies both psalmody and parallelism, holds a potency assuring its survival for centuries yet to come.

OLD HANUKKAH LAMPS

A Propos a New Acquisition of the Jewish Museum in Cincinnati

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IN THE spring of 1953 our Jewish Museum acquired a silver candelabrum of the kind used for Hanukkah (Illust. 1). By reason of its charm and uniqueness, this candelabrum invites special study.¹

Two bowls, joined to one another within a latticed framework, rest upon eight lion-bodies — tiny ones. Between these bowls there ascends a hill, alive with creatures of many kinds — two hares, a mother dog with her pups, a roebuck, a diminutive squirrel, a worm, a caterpillar. Some of these creatures are fully formed, and some stand in relief. These animals exhibit varying scales of size; the hare, for example, shows bigger than the roebuck. Out of the hill there rises an oak. Up the trunk of this oak there climbs a bear lured by a honey-comb in front of which buzzes a bee (Illust. 2). Before the bear grasps the luscious honey, he will probably fall victim to a hunter who, kneeling behind the tree, already points his gun from his shoulder (Illust. 3).

At a certain height, boughs project from the tree to the right

¹ The candelabrum, acquired through the firm of S. S. Rosenberg, New York, is 23 inches high and 26 $\frac{3}{4}$ inches wide. It was obtained from the estate of the well known art collector, the late Dr. Fritz Mannheimer, in Amsterdam. When I examined the object, it was my privilege to consult a silver expert no less eminent than Dr. Guido Schoenberger of the Jewish Museum connected with the Jewish Theological Seminary of New York. For help in translating Hebrew texts, my warm thanks are due to Dr. Abraham Cronbach and to Rabbi Jacob Petuchowski. I was aided also by Rabbi Theodore Wiener of the staff of the Hebrew Union College Library. Last but not least, for his efforts in promoting the acquisition of this candelabrum, I am indebted to President Nelson Glueck of the Hebrew Union College-Jewish Institute of Religion.

and to the left — not with any strict symmetry but with nature's own irregularity. These boughs, in their farthest branchings, form leaf-shaped holders of tapers. The trunk, continuing upward beyond the branches, carries at its top the "servant-light" which, according to ancient usage, must occupy a place more elevated than that of the other lights.² And, in the foliage near the apex of the trunk, one sees a clambering boy (Illust. 4). The diversity of these animal, plant, and human motifs, in all their distinctiveness, is further enhanced in that the silver, at a number of points, is surfaced with gold which, when the tapers are alight, intensifies the candelabrum's luster.

When and where did our candelabrum originate? The candelabrum carries no master-mark and no hall-mark disclosing the silversmith's name or his place of abode. Still, we detect, at various points, marks of two kinds. One of them, here copied, is a permit — the letters FR stand for "frei" (free) — such as the



STAMP REQUIRED
BY THE AUSTRO-
HUNGARIAN-GOVERNMENT
FOR SILVER OBJECTS
IN THE YEARS 1809/1810.
Enlarged.

Austro-Hungarian government required for silver-made objects in the year 1809–10.³ The second mark contains the cipher 12 which is the weightmark of the metal, and the letter D. Both form the assay stamp which, in 1806–7, the city of Lemberg ordained for articles of silver produced or brought within its jurisdiction.⁴ Accordingly our candelabrum must have been

² Cf., for example, the Isserles commentary to the Shulḥan Aruk, Oraḥ Ḥayyim, 673, I.

³ Cf. M. Rosenberg, *Der Goldschmiede Merkzeichen*, third edition, IV, Berlin, 1928, No. 7884.

⁴ Rosenberg, *op. cit.*, No. 7989.

extant in Austro-Hungary or, more specifically, in the city of Lemberg at the beginning of the nineteenth century. It follows that the dating of our candelabrum must fall not later than 1806-7.

A more precise dating is indicated by the pattern displayed at the outer extensions of the bowls (Illust. 5). This happens to be rococo — in view of the two marks aforementioned, original rococo and not one of the numerous imitations of rococo that range through the entire nineteenth century. This rococo made its debut in the early part of the eighteenth century and in France. During the subsequent decades, it spread over the entire of Europe until, near the end of the century, it was superseded by the new style, the neo-classic.

As regards the place of its production, the candelabrum could, in view of the numerous mercantile connections of the Jews, have been brought to Lemberg from elsewhere. Such is obviously the opinion of Prof. Otto von Falke, cataloguer of the Mannheimer Collection, who pronounced the candelabrum a piece of workmanship from Germany. The craftsman, in that event, must have been a Christian, because there were at that time in Germany no Jewish goldsmiths of rank.⁵ Incompatible with von Falke's assumption is the fact that our candelabrum, as stated above, carries no master-mark and no hall-mark such as would have been imposed by the German guilds for a product of those dimensions.

In Eastern Europe circumstances were different. A number of Jewish goldsmiths lived there in the eighteenth century. These artisans did not sign their productions. Indeed their signing was here and there prohibited — for example, in Moravia and Bohemia under Maria Theresa.⁶ The chief center of these goldsmiths in Moravia was Nikolsburg; in Bohemia, Prague. In Poland, their activity appears to have focused in Lemberg where they had founded their own association.⁷

⁵ Compare my article, "The Jewish Artist Before the Time of Emancipation," *HUCA*, XVI, 1941, p. 398.

⁶ Cf. Jacob Bronner, "Die Maehrischen Juden im Goldschmiedehandwerk," *Zeitschrift fuer die Geschichte der Juden in der Tschechoslowakei*, I, 1930-31, pp. 243 ff.

⁷ Cf. Albert Wolf, "Etwas ueber Juedische Kunst und Aeltere Juedische

Lemberg held at that time a significant Jewish community of about six thousand persons. Its three synagogues required numerous scrolls which, with their *Rimmonim*, their crowns,⁸ their breastplates, and their pointers could keep a number of goldsmiths occupied.

As regards these Torah appurtenances, we have a graphic Hebrew account in the memoirs of Ber of Bolechow (1723-1805), a wealthy, art-loving vintner. Ber narrates:

In that year — 525 (1765) I ordered from the silversmiths and goldsmiths at Lemberg, who were renowned for their skilful craftsmanship, some sacred ornaments made of pure silver for a Scroll of the Law belonging to R. Ensil Kaz of Tarczal. I ordered a large breastplate for the Scroll made of solid silver, weightmarked 14, beautifully ornamented, well plated with gold and set with precious stones, worth 80 Hungarian gulden; further, two silver rollers [*Rimmonim*] nicely chased and also plated with gold, valued at 50 ducats; also a silver pointer, very finely worked, worth 12 ducats. Many experts agreed that their like was not to be found throughout all Poland. The aged R. Leibush Malish, a learned and famous Jewish leader, when he saw these ornaments together with the other Elders of the community remarked: "Even in the time of King Solomon, peace be with him, these ornaments would have been fit for the Temple." He was at that time a great expert in all crafts.⁹

The name Ber, borne by the author of those lines, turns up frequently among the Ashkenazic Jews of the eighteenth century. One might surmise that the bear portrayed on our candelabrum alludes to Ber, the name of a patron. Not rarely do Jewish ritual appurtenances as well as Hebrew books of that time carry a representation or a Bible verse intimating the name of the person by whom the object was ordered. So far as the picture of a bear is concerned, we know of another Hanukkah candelabrum, also of silver, dating from the eighteenth century and adorned with a bear and a stag, because the silversmith, who had produced it for his own household, was named Ber and his son Hirsch (stag).

Kuenstler," *Mitteilungen der Gesellschaft fuer Juedische Volkskunde*, Heft IX, 1902, pp. 16 ff. Compare also Mark Vishnitzer's translation of the *Memoirs of Ber of Bolechow*, Oxford, 1922, p. 33.

⁸ One of the finest of the 18th century Torah crowns, stamped in Lemberg, is described by Stephen S. Kayser in *HUCA*, XXIII, Part Two, 1950-51, pp. 493 ff.

⁹ M. Vishnitzer, *op. cit.*, p. 138.

Albert Wolf, esteemed author of an essay on Jewish art and the older Jewish artists, saw this Ber-Hirsch candelabrum near the end of the nineteenth century,¹⁰ but it has since disappeared.

Of course, in this matter, we can hardly get beyond conjecture. Yet sometimes conjectures lead to discoveries.

If we assume the maker of our candelabrum to have been one of the numerous Polish-Jewish goldsmiths, we have to confront this objection: How does the meticulous reproduction of plants, animals, and people comport with the Second Commandment so stringently observed by Poland's orthodox Jewry? And the playfulness of the ornamentation — how does it square with the sternness attending such rigid attachment to the Law? Our reply is that, precisely in Poland and, above all, in Galicia of which Lemberg was the capital, the eighteenth century germinated tendencies toward the enlargement of life beyond the exclusively religious. One hears of a Solomon ben Moses of Chelm (died 1778), later Rabbi in Lemberg, whose studies were not limited to Bible and Talmud; they comprised also philosophy, geometry, and the natural sciences.¹¹ In the Introduction to his *Merkebet Ha-Mishneh*, begun in 1750, Solomon ben Moses urges the cultivation of those domains on the ground that "the great ones of bygone ages were conversant with those disciplines."¹² We also hear of Israel Zamošć who lived in the eighteenth century (approximately 1700–1772) and was versed in philosophy, mathematics, and astronomy. Moving, in 1742, from Poland to Berlin, Zamošć became the teacher of Moses Mendelssohn. In a letter to Mendelssohn, Lessing praises Zamošć as "one of the first to arouse a love for science in the hearts of Jews."¹³ Such an atmosphere would conduce to a more liberal construction of the Second Commandment and, along with that, to greater joy in the world round about.

To this we must add that our candelabrum shows actual

¹⁰ Albert Wolf, *op. cit.*, p. 17.

¹¹ Cf. Jecheskiel Caro, *Geschichte der Juden in Lemberg*, Krakau, 1894, p. 132.

¹² Vol. I, Frankfurt an der Oder, 1750, fol. 3b.

¹³ Cf. Jacob S. Raisin, *The Haskalah Movement in Russia*, Philadelphia, 1913, p. 77.

kinship with ceremonial objects produced among the Jews of Poland at that period. The Museum of the Jewish Theological Seminary in New York possesses two *Rimmonim* dating from the middle of the eighteenth century and bearing two Lemberg marks. These were reproduced in the Hebrew Union College Annual of 1950-51 by Stephen S. Kayser. Because of the close resemblance between one of these *Rimmonim* and our candelabrum, I repeat the illustration (Illust. 6). Our candelabrum is suggested so strikingly by the irregular placing of the leaves and the acorns on the silver shaft of the *Rimmon* that I am inclined to ascribe both the *Rimmonim* and the candelabrum to one and the same artist.

Or consider the kinship with our candelabrum displayed by a Polish spicebox (Zagayski collection, New York) though the spicebox carries no mark (Illust. 7). In Germany of the eighteenth century, spiceboxes still retain the tower shape of sixteenth century adoption. The Zagayski spicebox, by contrast, consists of a branch which, emerging from a spirally formed base and bearing numerous leaves placed at irregular intervals, supports a bird whose perforated body constitutes the spice receptacle.^{13a}

These examples warrant our saying that, among the Jews of Poland, there arose a trend for embellishing ritual objects with naturalistic forms. Into this trend our newly acquired candelabrum fits. Not only was Lemberg the place of its stamping; but Lemberg or some other Polish city near-by was also, in my opinion, the place of its fashioning, its craftsman having been one of the many Jewish silversmiths probably active in Poland of the eighteenth century.¹⁴

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^{13a} A similar lamp, formerly in the Jewish Museum of Warsaw, is now preserved in the Bezalel National Museum at Jerusalem.

¹⁴ It should be noted, in this connection, that the above mentioned lions at the base of the candelabrum possess two bodies but one head. In Jewish illuminations, this motif is not without precedent. It appears, for example, in the 13th century German Mahzor of the Bodleian Library at Oxford. An illustration of the page in question can be found in Rahel Wischnitzer-Bernstein, *Gestalten und Symbole Juedischer Kunst*, Berlin-Schoeneberg, 1935, Illust. 20.

Having thus far elaborated on the progressivism manifest in our candelabrum, let us now, in like manner, show its linkage with the past, a past, as so often in Jewish art, measurable not in centuries but in millenia. A candelabrum shaped like a tree is mentioned in the Bible. Such is the description given for the candelabrum of gold which, in the Tent of Meeting, burnt "from evening to morning before the Lord continually" (Lev. 24.1-3). From a middle shaft, topped by a small lamp, three branches, likewise bearing lamps, bend to the right and three to the left. But this candelabrum of old maintains a rigid symmetry. In keeping with the oriental style of that epoch, its motifs are more conventionalized than the corresponding motifs of our own new acquisition.

Whether any significance attaches to the number seven for those lights, Leviticus does not disclose; yet suppositions on this point started long ago. In his vision of the seven-branched candlestick, Zechariah calls these lamps "the eyes of the Lord, that run to and fro through the whole earth" (4.10). Josephus sees in them the seven planets; and with reference to the seventh among the lamps, he beholds symbolized the majesty of the Sabbath.¹⁵ As regards the almond blossoms in the branches of the candelabrum, a French scholar's explanation seems to me convincing: "L'amandier était le symbole de la vigilance, spécialement de la vigilance divine, par suite d'un jeu de mot sur le nom hébreu shâqêd (Jeremie 1.11, 12), shôqêd (Je veille)."¹⁶ Like the lamps in the temples of the heathen, this candelabrum doubtless served the purpose of protecting the shrine against robbery.

We need not here concern ourselves with the question whether the account of the candelabrum in the Tabernacle reflects anything historical. One thing is certain, namely, that the biblical description exerted a profound influence upon subsequent art. Nor can we determine when that influence began. Important for us right now is the circumstance that, in general outline, the golden candelabrum in the Temple of Herod accords

¹⁵ Josephus, *Antiquities of the Jews*, III, 6, 7, and *The Jewish War*, V, 5, 5.

¹⁶ Comte du Mesnil du Buisson, *Les Peintures de la Synagogue de Doura Europos*, Rome, 1939, p. 21.

with the biblical depiction. Direct acquaintance with this candelabrum, we do not, of course, possess. But the arch of Titus in Rome displays a plastic reproduction. This we show here as it looks in an old engraving.



RELIEF ON THE ARCH OF TITUS, ROME.

Engraving by Pietro Santo Bartoli (1635-1700).

After the ruin of the Second Temple and the capture of the candelabrum by the Romans, the Jews clung tenaciously to the candelabrum's structure. They duplicated it endlessly in lamps, sarcophagi and the like and later in illuminations and prints. During the first centuries after the Temple's downfall, seven-branched candlesticks would be set up in synagogues.¹⁷ But the Talmud opposed the practice (Rosh Hashanah 24a). To the Talmud, the Temple and its appurtenances were too sacred for imitation.

The Jews evidently applied this prohibition not only to the seven-branched candlestick but to every kind of *Ner Tamid*

¹⁷ Especially well known is the seven-branched candlestick of stone, found at Hammath near Tiberias and exhibited in 1953 at the exhibition "From the Land of the Bible" at the Metropolitan Museum, New York. The candelabrum belongs to the Archaeological Museum of Jerusalem. Its date is taken to be the third century C. E.

whether it was a small lamp of clay¹⁸ or a lamp hanging from a Holy Ark.¹⁹ In medieval miniatures picturing synagogal interiors, we perceive lamps of various kinds but not one that could be regarded as a perpetual light. Nor do we find mention of such in that era of literature. Not until modern times does the perpetual light again come into use and then, by no means, universally. Thus, in 1683, there is mention of a perpetual light placed before a Torah niche in Italy;²⁰ but, to this day, the large Jewish community of Baghdad dispenses with the perpetual light in every one of its synagogues.²¹

¹⁸ A pottery lamp, with the inscription נר חמיר was found in Samaria. This has been described by A. Mayer and A. Reifenberg in the *Journal of the Palestine Oriental Society*, XVI, 1936, p. 44 ff. The authors are of the opinion that the inscription is meant as a substitute for a pictorial *Ner Tamid*. It is my belief that, despite its small size, the lamp itself was a *Ner Tamid*.

¹⁹ Such a hanging lamp appears in a panel of the floor mosaic at the synagogue of Beth Alpha (6th century c. e.). The lamp hangs from the top of a chest which has been regarded as a "Holy Ark" (thus recently by E. R. Goodenough in *HUCA*, XXIII, Part Two, 1950-51, p. 453) and also regarded as "The Ark of the Covenant." The latter interpretation, it seems to me, admits of no doubt. The panel is one of numerous representations expressing the hope for a Messiah and for the Messianic restoration of the biblical sanctuaries. An Ark of the Covenant would be apropos. To a Torah ark there would be no point in a sixth-century synagogue. As the synagogues of that period already possessed such an ark, a pictorial repetition would have been senseless. The birds crouching on top of the chest are the cherubim by which the Ark of the Covenant was surmounted. Already Philo in his *Life of Moses*, III, 8, calls the cherubim *πτερύγα*. This interpretation and none other would render intelligible the two rods — one rod withered, the other flourishing — which made sense neither to Sukenik nor to Goodenough. The withered rod betokens Israel's rebellious clans. The blossoming one is the rod deposited in the Tent of Meeting, the divinely appointed rod of Aaron (Num. 17.1-11). Both of these rods appear frequently in Jewish miniatures of the Middle Ages. If, at Beth Alpha, the Ark of the Covenant resembles a Torah ark, the anachronism is one not unusual in such matters. It is no less anachronistic for the *Ner Tamid* of the Tabernacle to be pictured as a hanging lamp, like those that were, in all likelihood, pendent in synagogues during the first centuries after the destruction of the Temple; until the Talmudic prohibition of the seven-branched candlestick was extended to continuous lights of all kinds. Christianity and Islam, unhampered by this prohibition, introduced the Perpetual Light into their churches and their mosques.

²⁰ Cf. Giulio Morosini Venetiano, *Via della Fede*, Rome, 1683, p. 245.

²¹ Cf. David S. Sassoon, *A History of the Jews in Baghdad*, Letchforth,

A beautiful hanging lamp, originating in Damascus, dated 1694, and preserved in the Jewish Museum of Woburn House, London, though commonly spoken of as a perpetual light, is more likely a lamp such as would shine in any elegant home at the conclusion of the Sabbath. This at least is the import of the words painted in golden letters upon the emerald glass.²²

Perpetual lights were to be found in Polish synagogues from the sixteenth to the eighteenth centuries. These were placed not in front of the Torah curtain but in a niche of the entrance hall or — if in the auditorium — on a wall.²³ There is obvious reluctance to apply, in the synagogue, the biblical command about placing the *Ner Tamid* "outside the veil of the testimony" (Lev. 24.3); for that command pertains to the Tabernacle.

One can see a hanging lamp embroidered on some curtains from Turkey (Bezalel National Museum, Jerusalem; Smithsonian Institution, Washington, D. C.), substitutes, I presume, for a real *Ner Tamid*. As in the case of the seven-branched candlestick, a picture of the object and nothing more than a picture seems to have been permitted.

✱

In Jerusalem, at the time when the seven-branched candlestick disappeared, another sacred light had already gained recognition. This was the lamp of Hanukkah. The precise time of its inception can no longer be fixed. A festival of fire (*πυρός*) is mentioned in II Maccabees 1.18 and a Feast of Lights (*φῶτα*) in the *Antiquities* of Josephus XII-7-7, but there is no way of inferring whether these expressions refer to lamplight or to flames in the open.

1949, p. 167. The son of the late author apprises me that the conflicting statement on page 101 of this book was due to a mistranslation.

²² The verses are: Gen. 27.28, 29; 28.3, 4; 49.25, 26; Deut. 28.12 and 33.29. These are the verses embodied in the concluding portion of the Sabbath prayers. Information was graciously furnished by Mr. Sol Cohen, secretary of the Woburn House Museum in London. An illustration of this lamp, erroneously called *Ner Tamid*, will be found in my *History of Jewish Art*, Cincinnati, 1946, p. 30.

²³ For more details, see Marvin Lowenthal, *A World Passed By*, New York, 1938, pp. 362, 365, 367.

The Mishnah (Baba Kama VI, 6) mentions, in connection with a case at law, a Hanukkah light placed at the gate of a house. More specific information is vouchsafed by the Talmud (Sabbath 21b) according to which there are three ways in which the Feast of Lights can be celebrated, ways which correspond to ascending grades of piety: 1. One light a day in each household. 2. One light a day for each member of the household. 3. Eight lights for each household or eight lights for each member of the household. The third way involved two possibilities: either, as the School of Hillel teaches, beginning with one light and increasing to eight or, as the School of Shammai teaches, beginning with eight and diminishing to one.

As regards location, this could be the threshold at the house door; or, when the abode was on an upper floor, the lights would stand on a window sill. "But, in times of danger," continues the Talmud, "it is sufficient to place it on the table." It is further noted that all of these lights are holy and may therefore not be used in ordinary illumination. For that purpose, a different light had to be employed.

If we ask how these lamps were shaped, we are again, as so often in Jewish ritual matters, unsupplied with an answer. We must content ourselves with surmises. The supposition is general that, already in antiquity, the Hanukkah lamp contained eight openings and eight wicks.²⁴ Such lamps in fact existed and, as those lamps were decorated with representations of the Temple or parts of the Temple, they would appear especially suited for a festival commemorating a Temple's purification. But those illustrations also appear on lamps of that epoch even when the openings number four or six or seven (Illust. 8). This inclines me to the view that the lamps with eight orifices, like those with seven or fewer orifices, served a different purpose, namely that of lighting the homes of the living, preferably on Friday evenings, and of accompanying the deceased to their graves. The lamps symbolized the expectation of a Messiah who would rebuild the Temple at Jerusalem and resurrect the dead.

²⁴ Thus according to Rahel Wischnitzer, "L'Origine de la Lampe de Hanouka," *Revue des Etudes Juives*, LXXXIX, 1930, pp. 135 ff. Also Mordecai Narkiss, *The Hanukkah Lamp* (Hebrew), Jerusalem, 1939.

A lamp with not more than one wick is definitely envisaged by the dictum of the Talmud that, during Hanukkah, a single light day by day suffices for the observance. To increase the number of lights, it was accordingly the practice to set lamp next to lamp or if, following the School of Shammai, eight lamps were used at the beginning, the number would be diminished by the removal of lamp after lamp.

In a later passage (Sabbath 23b), the Talmud speaks of a lamp with two spouts serving two persons. It mentions likewise a dish of oil covered by a vessel, and wicks protruding around and over the brim of the dish. That kind of a lamp could serve a number of persons. Such a lamp represented no augmentation of lights from one to eight. It belonged rather to the provision, already mentioned, of *one* light to be kindled by each member of the household on each of the eight nights of Hanukkah.

With a tenacity characteristic of religious usages, the one-wick lamp persisted for over a thousand years. In a Pentateuch transcribed in Egypt during the year 930 (Leningrad, State Library, MS. II, 17), there is inserted an illustration (reproduced on page 359) upon which M. Narkiss thought he saw a Hanukkah object of metal.²⁵ He took the bluish streak to be the base of a lamp with eight wicks. The projecting arm he identified with the servant-light. The trefoil at the top was supposedly the loop by which the lamp was hung up.

Looking at these features singly, one feels like concurring. Yet how strange that the beholder perceives none of the eight lights! Our uncertainty increases as we view the total illustration occupying this page. The subjects are the appurtenances of the Tabernacle and the Temple, themes frequent in Jewish art. In such illustrations, the Hanukkah lamp never appears. Usually there is pictured a snuff-shovel by which the seven-branched candlestick was serviced (Ex. 25.38). And that is what we must see in the appurtenance exhibited by the Egyptian Pentateuch. Another page of the same manuscript²⁶ also contains a representa-

²⁵ In the book just mentioned, *The Hanukkah Lamp*, Plate IV, Figure 14. The whole page, reproduced in colors, can be found in D. Gunzburg and V. Stasoff, *L'Ornement Hébraïque*, Berlin, 1905, Plate II.

²⁶ Gunzburg and Stasoff, *op. cit.*, Plate III.



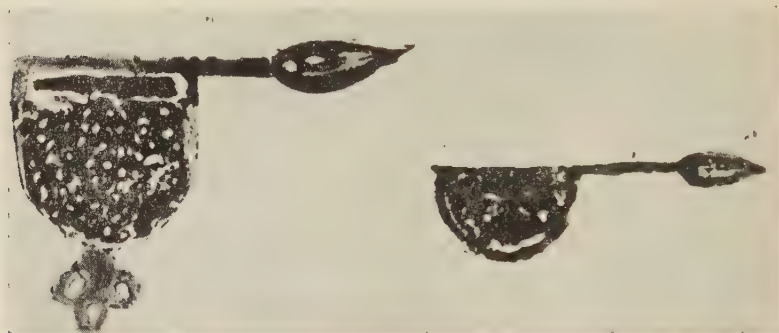
LEAF FROM A PENTATEUCH TRANSCRIBED IN EGYPT, 930,
PRESENT ERA.

State Library II, 17, Leningrad.

Note the small snuff-shovel pictured upside down near the bottom of the seven-branched candelabrum, toward the right.

tion of sacred implements. And here there can be no mistake. A lamp is out of the question. The snuff-shovel is too obvious. Narkiss was evidently misled by the fact that, on the page which he adduces, the snuff-shovel is pictured upside down, the draughtsman having placed it thus in order to utilize a maximum of free space. The arm which Narkiss regarded as the holder of the servant-light is the snuff-shovel's handle. The blue slit is the snuff-shovel's opening. The trefoil and the perforations of the semicircular scoop are, in keeping with the abstract style of that epoch, nothing but ornamental accessories. The snuff-shovel on the second of the pages likewise shows perforations. All that is

necessary is to place the two snuff-shovels, as we have done here, alongside of one another. Then we will at once recognize their kinship.



LEFT, THE ABOVE-MENTIONED SNUFF-SHOVEL. RIGHT, THE SNUFF-SHOVEL FROM ANOTHER LEAF OF THE PENTATEUCH IN THE LENINGRAD STATE LIBRARY.

In rejecting the contentions of Narkiss, we also reject the notion that there existed, as early as the tenth century, metallic holders which brought all of the Hanukkah lights together in one appliance. To the contrary, the one-wick lamp of clay continued in use a few hundred years longer. As late as the twelfth century, Maimonides repeats the Talmudic affirmation that, during Hanukkah, it suffices to burn either one light a day in behalf of the entire household or one light a day in behalf of each individual.²⁷ He repeats also the Talmudic: "A lamp with two wicks will do for two persons." This clearly indicates that the lamp with not more than one wick was still the rule and the lamp with two wicks the exception.

Regarding two important changes in Hanukkah lamps, we can prove that they were instituted not before the thirteenth century. The first change was that of the material. According to Rabbi Jacob ben Asher,²⁸ Rabbi Meir of Rothenburg (ca. 1220-1293) "would kindle the Hanukkah light not in a lamp of clay

²⁷ Mishneh Torah, Hilkhot Megillah we-Hanukkah, Chapter IV, §§ 1-4.

²⁸ Cf. Arba' Turim, Tur Orach Hayyim, end of § 673.

but in a metallic lamp." The obvious reason was that the lamp of clay was easily damaged; a new lamp, in consequence, being of frequent need.

The second alteration pertained to the structure. People began to assemble all of the lights into one form. Did the ancient lamp of several wicks perhaps serve as a model? The answer, I think, is "Yes." Inasmuch as lamps of several wicks existed far and wide in the Greco-Roman world, such must have been extant in France, in Italy, and in Western Germany, and these are the countries indicated by the oldest lamps of bronze thus far brought to notice. Their style indicates the period from the thirteenth to the fifteenth century. Particularly informative is a lamp (Illust. 9) found in the old ghetto of Lyons and preserved at present in the Musée Cluny of Paris. This lamp must have been finished not later than 1394, that being the year of the Jewish expulsion. This lamp, like the ancient clay lamps of seven openings (Illust. 8) starts with oil containers and wicks. Then come the arches reminiscent of the ancient Temple; but, in the lamp from Lyons, these are cut out from the backpiece. What, in the ancient lamps, were circular holes serving as apertures through which to pour oil, have now become purely decorative rosettes.²⁹ The handle used of old for placing the lamp at the door has metamorphosed into a punch-hole for hanging up, because the lamp of bronze was hung on the door-post opposite the one with the *Mezuzah*. The backpiece would be put against the jamb so that the flames would not set it afire.

This new type of assembled Hanukkah lamp, with high backpiece, spread through all countries. Without any change of its basic form, it acquired ever varying ornamentation throughout the following centuries down to our own time. To trace these alterations is not our purpose; Narkiss has done this amply. We dwell upon one single lamp which was found in Florence and is now preserved in the Jewish Museum of Cincinnati (Illust. 10). Compared with the lamp unearthed in France, the bench-form lamp from Florence has a broader bottom, indeed so much

²⁹ In a lamp of the Irving Lehman Collection, next door to Temple Emanu-El, New York (formerly in the Figdor Collection, Vienna), the circle is occupied by a phoenix in relief. The phoenix was a symbol of flame.

broadly that the lamp can be placed on a table. An illumination originally directed to the outdoors tends to be transmuted now into something festive for the indoors. The strikingly tall back-piece of this lamp is covered with a mirror on which symbols, carved out of iron, are set in various colors. The fountain, supported by winged steeds, is genuinely Italian in its style. Needless to say, this represents the Fountain of Life.^{29a} The paradisaical birds drinking out of the basin are perhaps cherubim; because of the disinclination to picture the supernal, the cherubim are often changed into fowl.³⁰ The spiral columns refer to the Temple whose reconsecration on this date is the occasion for the feast. Finally, in a semicircle between two vases, there appear the two Tablets of the Law over which two unabashedly naked children hold a crown, the crown of the Torah. The date of this lamp is approximately the same as that of our recent acquisition.³¹

*

The tree-shaped structure of our recent acquisition proves already that the above-mentioned Florentine lamp, bench-shaped and with a high backpiece, was not a solitary type. But, before we return to our acquisition, we have to mention another kind of Hanukkah lamp, a kind, to be sure, that is rarely seen.

It pertains to the lamp, above mentioned, in which the lights are arranged not in a straight line but in a circle. Israel Isserlein, a German Talmudic authority of the fifteenth century, raises no objection to using a lamp of that type. Isserlein refers, in that connection, to the Sabbath lamp which was similarly circular and which, he says, could be found in any of the better homes.³²

^{29a} Probably an allusion to Ps. 36.16 "For with Thee is the fountain of life; in Thy light do we see light."

³⁰ According to the prohibition in the Mekilta of Rabbi Ishmael, Tractate *Bahodesh*, X. ed. Jacob Z. Lauterbach, II, Philadelphia, 1933, p. 276. In his article, "Die Menorah des Chanukkahfestes," *Beiträge zur Juedischen Kulturgeschichte*, Frankfurt am Main, 1924, Heft 1, p. 10, Erich Toeplitz, mentioning this lamp, regards the birds as dragons. He sees in them a symbolization of the church to whose hostility the Jews of Italy were exposed longer than were the Jews of other lands. The hypothesis is an improbable one.

³¹ The oil containers of this lamp are a later addition, the original ones having been lost.

³² Cf. his *Terumath Ha-Deshen*, ed. Venice, 1546, fol. 48a.

Judging from ancient samples, that kind of a Hanukkah lamp rested originally on a base or a stand. But it developed into a hanging lamp. And that gave it even more of a resemblance to the Sabbath lamp pendent from the ceiling already in medieval times.

Only of late has a picture of such a hanging lamp been published (Illust. 11). Formerly belonging to a Swedish synagogue, it is now the possession of a collector in England. Eight arms project from a central spindle. The sockets upon these arms are for tapers. There are two indications that this lamp is not a Sabbath lamp: 1. On top, alongside of an oval cage with a bird, it holds a small socket for a servant-light. 2. The counterweight at the lower end of the lamp carries the inscription: "We kindle these lights on account of the miracles, the deliverances and the wonders which Thou didst work with our fathers, by means of Thy holy priests," words spoken immediately after the Hanukkah lights have been kindled.

An approximate date for this lamp ensues from the fact that Jews began to settle in Sweden not before the end of the eighteenth century. Likewise in accord with that period would be the graceful style recalling that of our own acquisition.

That, among the Jews, the Sephardim also resorted to hanging lamps for Hanukkah is evident by the words of Elijah Guedj who, in his *Zeh Hashulhan* (1888-1889) reports concerning practices in the city of Algiers: "It is a practice to have hanging in the synagogue a circular Menorah of eight lights. Each evening of Hanukkah, as soon as Psalm 30 is reached in the service, all eight lights are kindled" (Part II, p. 82).

*

This brings us at last to a third type, the type exemplified by our own recently acquired candelabrum. We must observe that, while the Hanukkah light began as a ritual for the home, it did not restrict itself to the home. It also entered the synagogue. When this may have occurred we can no longer determine; at any rate the early part of the 13th century knows the custom. Evidence for this is the statement by Abraham ben Nathan Hajarchi of Lunel: "It seems to me that there exists no obligation

to kindle the Hanukkah lights in the synagogue. The obligation pertains only to the home; the dictum being 'The *Mezuzah* at the right side of the doorway, the Hanukkah light at the left.' But, for a synagogue, no *Mezuzah* is required except — as stated in Yoma 11a — when the synagogue contains the dwelling of the overseer. And yet the custom prevails. Since the miracle happened in the Sanctuary Everlasting, Hanukkah lights are kindled in the minor sanctuaries of the Exile so that, in the place where all assemble, the miracle might be proclaimed."³³

The place within the synagogue where the Hanukkah light is to stand is specified as follows: "A Hanukkah light, kindled in the synagogue, stands toward the South, thus commemorating the candelabrum of old which had its location toward the South." The passage comes from the *Minhagim* of Isaac Tyrnau (14th and 15th centuries).³⁴

That statement makes clear what was intended by displaying the Hanukkah lamp in the house of worship. The lamp was to surrogate for the seven-branched candlestick over the loss of which the Jews ever grieved. While the precise imitation of the seven-branched candlestick was forbidden by the Talmud, nothing in the Talmud forbade making "one with lamps numbering five or six or eight" (Rosh Hashanah 24a). This was virtually an incentive to place in the synagogue a reminder of the seven-branched candlestick, provided there was no copying of that object or no substitute in the form of a *Ner Tamid*. The Hanukkah lamp became the choice for that purpose.

Still, we must not assume the appearance of the multiple holder in the synagogue to have occurred earlier than that of the multiple holder in the home, that is to say, not earlier than the thirteenth century. The synagogal illumination of earlier mention must have consisted, on Hanukkah, in an array of separate lights. As regards the multiple form, I presume that, at the outset, the synagogal lamp resembled the home lamp more closely than it did later when its type became influenced by the description of the seven-branched candelabrum in the Bible and by the relief on the arch of Titus. As proof of this I reproduce a candelabrum

³³ Ed. Goldberg, Berlin, 1855, fol. 106a.

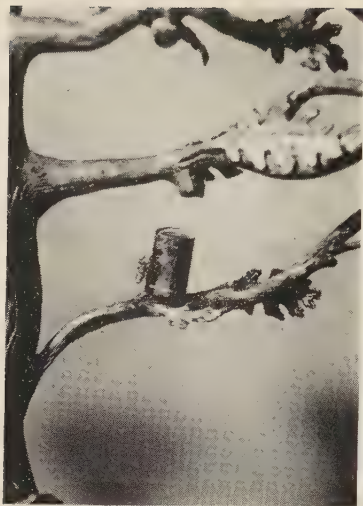
³⁴ Ed. Lunéville, 1806, fol. 52b.

1. HANUKKAH CANDELABRUM.

Silver, Poland, Eighteenth Century.



New Acquisition of the Jewish Museum
at the Hebrew Union College Campus, Cincinnati.



2



3



4



5

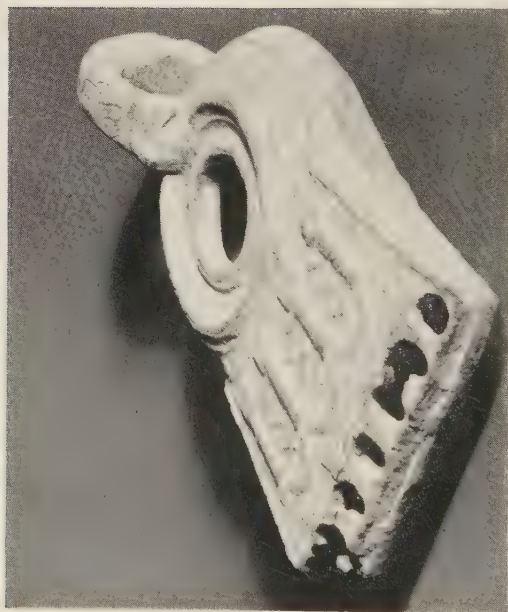
2. 3. 4. 5. DETAILS OF THE NEWLY ACQUIRED HANUKKAH
CANDELABRUM.



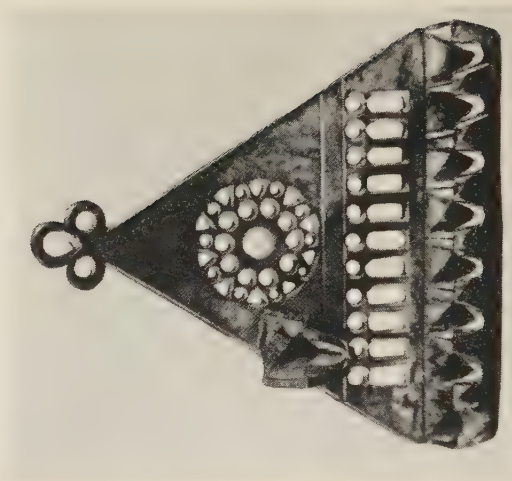
6. *Rimmon.*
Poland, Second Half of the
Eighteenth Century.
Harry G. Friedman Collection,
The Jewish Museum, New York.

7. SPICEBOX.
Silver, Poland,
Eighteenth Century.
Zagayski Collection,
New York.

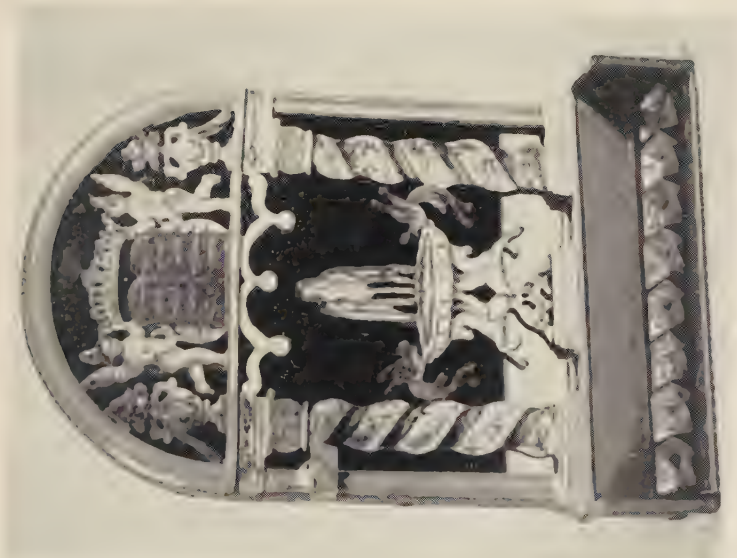




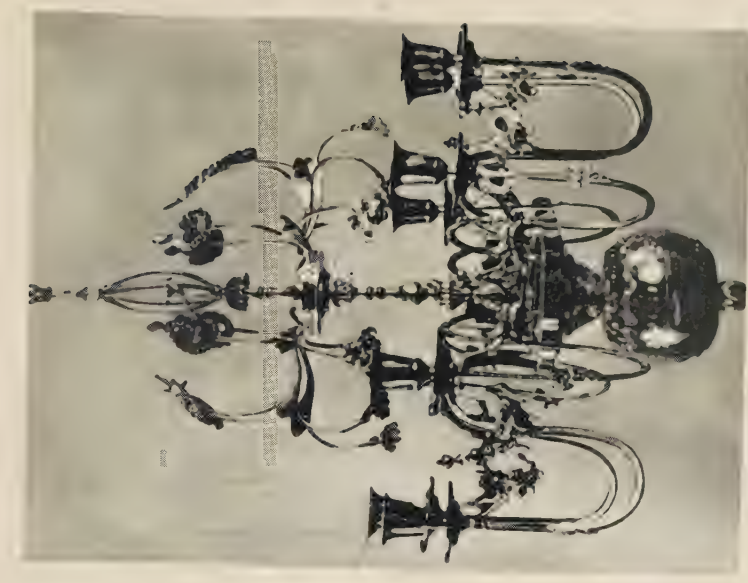
8. CLAY LAMP FOR SEVEN WICKS.
First Centuries of the Present Era.
The Jewish Museum, New York.



9. HANUKKAH LAMP.
Found in the Jewish Quarter of Lyons, France.
Bronze, Thirteenth-Fourteenth Century.
Musée Cluny, Paris.



10. HANUKKAH LAMP.
Italy, Eighteenth Century.
Jewish Museum, Cincinnati.



11. HANUKKAH LAMP FROM A SWEDISH SYNAGOGUE.
Silver, Eighteenth Century.
C. Oppenheimer Collection, London.
By Courtesy of the *London Jewish Chronicle*.



12. THE ROTHSCHILD
PRAYER BOOK,
FOLIO 35b.
Prayer Relating the
Events of Hanukkah.
Italy, Fifteenth Century.



13. HANUKKAH CANDELABRUM.
Bronze, Italy,
Fifteenth Century.
Synagogue of Padua.



14. HANUKKAH CANDELABRUM.
Bronze, Germany, 1705.
Jewish Museum, Cincinnati.

pictured in the *Mahzor Rothschild*, an Italian manuscript of the fifteenth century (Illust. 12). To be seen here, standing on a strip as in the case of the bench-type lamp, are eight tapers over a high pedestal. But the servant-light is lacking.

Yet the same century, also in Italy, — this time at a synagogue of Padua — brought into vogue the candelabrum (Illust. 13). The servant-light, now present, tops the central shaft. Adorned with delicate tendrils, four arms project to the right and to the left. The middle taper, as was the custom, stands highest and the other tapers descend gradually at the sides.

This type may have made its way from Italy to Germany³⁵ and thence to Eastern Europe. It is of interest that, placed there in 1689, such a lamp stood in the Nachmanides Synagogue of Lemberg, the city in which our own new acquisition received its stamp. As compared with the model at Padua, the later candelabra follow more closely the Temple counterpart. The servant-light no longer rises above the others; the same height is reached by all nine flames.

German synagogues possessed a number of such large candelabra from the seventeenth and eighteenth centuries down to the time of the Nazi régime when many of them were destroyed. Fortunately, before the onset of those dreadful years, such a lamp, fashioned in bronze, arrived at the Cincinnati Jewish Museum (Illust. 14). According to the inscription, it stood in the synagogue of Aschenburg, more correctly Aschaffenburg, presented to the congregation in 1705, only a few years after 1698 when the edifice was erected.³⁶ A striking feature of this candelabrum consists in the hands which, emerging from the central shaft, grasp the branches extending at either side. To understand this motif, we must recall that, in ancient days, during the Hanukkah season, people went through the streets bearing

³⁵ A tradition going back to 1458 maintains that there was a Hanukkah lamp of bronze in the synagogue at Hildesheim, Germany. The only information we possess about the structure of this lamp is that its supports were shaped like the feet of a lion. Cf. R. Hallo, *Religioese Kunst aus Hessen und Nassau*. Marburg, 1932, p. 35, on No. 107.

³⁶ The name of a certain Pessele is given as that of the donor, dedicating the candelabrum to the memory of her husband, Elkanah.

"branches and fair boughs and palms also." Such is the account in II Maccabees 10.7. This would justify the conclusion that the maker of this candelabrum must have been a Christian because, while the Books of the Maccabees had been admitted into the canon of the Protestants, they had not been admitted into the canon of the Jews.³⁷

While this particular candelabrum, with its brownish color, its proportions and some of its details betrays some heaviness and massiveness like everything in the baroque style dominant at the time, the structure of such candelabra becomes, in the course of the eighteenth century, more slender and elegant. The new rococo style gets to prevail. We discern this change in a Polish candelabrum produced by the Jewish coppersmith, Baruch, in the city of Pohrebyszcze shortly before 1735.³⁸ We



HANUKKAH CANDELABRUM
FROM THE SYNAGOGUE AT POHREBYSZCZE
Brass, Poland, First Half of the
Eighteenth Century.

³⁷ The motif of hands with something in their grasp turns up also in the candelabra of Cleve and Goch, Germany. Illustrations will be found in *Aus der Geschichte der Juden im Rheinland*, Duesseldorf, 1931, pp. 1 and 57.

³⁸ Cf. Mathias Bersohn, "Einiges ueber die alten Holzsynagogen in Polen," *Mitteilungen fuer Juedische Volkskunde*, VIII, 1901, p. 177.

note the delicate reach upward — here is to be seen already the lattice work which marks our own new acquisition — the tendrils borne by lions, and the taper sockets balanced on the heads of tiny birds (see our illustration).

About 1700, the candelabrum type which had developed in the synagogue was, on occasion, transplanted to the home, naturally in smaller dimensions and, as a consequence, of daintier effect; and this is further augmented by the brighter hue emanating from the silver. Hanging a candelabrum of this type on the doorpost or placing it on the window sill was, of course, inconceivable. Its only place could be the table of the house.

To this type belongs the candelabrum in the Musée Cluny of Paris, crowned with the figure of Judah Maccabee;³⁹ and, in the New York Jewish Museum, the magnificent candelabrum with the figure of Judith, the work of a silversmith in Frankfurt a. M. at the beginning of the seventeen hundreds.⁴⁰ Evidently this type of silver candelabrum for the home journeyed from Germany to Eastern Europe, and that includes Poland where our own recently acquired candelabrum was created.

By means of a minor yet not at all inadvertent detail, the artist who made our candelabrum permits a glimmer of its derivation from the light-tree of the Tabernacle and the Temple to shine through. As with the candlestick of seven branches, not more than six branches emerge from the central shaft. Further branchings are needed that these six might carry the eight tapers completing the number nine. In the riches of these ramifications, in the charm of the sockets which sustain the tapers, and in the playful vivification contributed by the animal and the human figures, our new acquisition ranks as a most fascinating specimen of its type.

³⁹ Illustrated in the catalogue of the Strauss Collection, Poissy, 1878, on No. 5.

⁴⁰ Illustration in my *History of Jewish Art*, Cincinnati, 1946, p. 52.

MOSES IN THE PHILOSOPHY OF MAIMONIDES, SPINOZA, AND SOLOMON MAIMON

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MAIMONIDES, Spinoza, and Solomon Maimon — all emphasize the uniqueness of Moses.

For Maimonides, this uniqueness consists in Moses' attainment of a perfection excelling that of all other prophets. This perfection was a perfection of rationality. The prophetic gift of Moses consisted in clear intellectual concepts, without any admixture of imagination, while all the other prophets did use imagination. In addition to this, the uniqueness of Moses resides in his role as lawgiver.

According to Spinoza, the uniqueness of Moses stemmed from his legal status as interpreter and spokesman of God at the compact between Israel and God, the compact which formed the basis of the statutory law.

For Solomon Maimon, the uniqueness of Moses was the result of a singular life-experience necessitating the discovery of a new God-Idea.

Each of these thinkers, according to his general philosophy and according to his particular conception of Judaism, evolved his distinctive understanding of Moses.

I. MAIMONIDES

With Maimonides, the conception of Moses constitutes a central metaphysical idea. To grasp that idea, we must comprehend the place of that idea in the entire system of Maimonidean thought. The uniqueness of Moses as a prophet is set forth by Maimonides in his commentary on the *Mishnah*¹ and in his Code,² and is incorporated as an article of faith in his creed.

¹ Sanhedrin, Chap. 9.

² Hilcot Yesode Hatorah, Chaps. 7, 8.

With the exception of the last two articles, that creed contains not a series of dogmas but a series of rationally deduced principles. This is evidenced by the fact that the articles of faith stand, on the whole, in an order corresponding to the order of the problems handled in the *Moreh*.

In the *Moreh*, where the subject of prophecy occupies a place no less important than that of creation, Maimonides refers to other works of his which discuss the difference between the prophecy of Moses and that of all the others. The *Moreh* states explicitly that it concerns itself with prophecy in general, and not with that of Moses in particular.³ Where it refers to the prophecy of Moses, the *Moreh* does so merely to discriminate between the prophecy of Moses and prophecy at large.

For the understanding of the singular character of Mosaic prophecy, we have therefore to consider Maimonides' conception of prophecy in general. Maimonides commences his investigation of prophecy by stating that there are three views concerning prophecy, views which correspond to the three views concerning the problem of creation or eternity of the world. The first of these views regarding prophecy holds that God selects anyone He pleases and endows that person with the prophetic gift. No preparation is required on the part of the person whom God has chosen as a prophet. This, according to Maimonides, is the view of the ignorant masses. The second view is that of the philosophers who maintain that prophecy is an accomplishment which results inevitably when human faculties have been developed to a requisite degree. Any man who has brought his rational and moral capacities to a state of perfection will necessarily become a prophet. For prophecy is the result of a natural development of man. The third view is that of our *Torah* and constitutes a fundamental principle of our faith. This view, on the whole, coincides with that of the philosophers, except that it holds that even when a man has duly prepared himself for prophecy and has attained the required state of perfection of his rational and moral capacities, as well as of his faculty of the imagination, it may still happen that he will not attain the state of prophecy; for the gift of prophecy is ultimately

³ *Moreh*, II, 35.

dependent on the will of God. This third view, which Maimonides declares to be the view of the *Torah*, possesses, according to Maimonides, an abundance of scriptural support.⁴

Let us consider in what sense the three views concerning prophecy correspond to the three views concerning the eternity or the creation of the world. The three views of cosmology as enumerated by Maimonides are:

1. The doctrine of the Aristotelians which posits that the world is non-created, that it has existed from eternity.
2. The doctrine of Plato that the world was created out of a primeval matter existing eternally.
3. *Creatio ex nihilo*, the doctrine of the Torah.

Apparently the third view, which is the view of Maimonides, that the world was created out of nothing, corresponds to the first view concerning prophecy, that no preparation is required for the attainment of prophecy, but that it is entirely dependent on the will of God. Yet precisely this is the notion which Maimonides brands as that of the ignorant masses. The doctrine of the world's origin which shows the greatest kinship with the Maimonidean conception of prophecy would appear to be that of Plato, namely, the doctrine that, prior to the world's formation, there existed a primeval matter. Analogously the gift of prophecy requires the pre-existence of certain intellectual, moral, and imaginative attainments. In fact, Abarbanel and, like him, some scholars of modern times, have developed the thesis that the Maimonidean doctrine of prophecy and the Platonic cosmology are counterparts.⁵ Were that the case, however, it would be incorrect to say that the three views of prophecy and the three doctrines of cosmology correspond. We would therefore suggest that, when Maimonides avers a parallel, he alludes not to the three views of creation as stated in the opening chapter dealing with the problem of creation, but to the three cosmological

⁴ *Ibid.*, Chap. 32.

⁵ See Abarbanel's Commentary on the Moreh, II, Chap. 32, s. v. והנה and Zvi Diesendruck, "Maimonides Lehre von der Prophetie," in *Jewish Studies in Memory of Israel Abrahams*, New York, 1927, p. 74 ff.

conceptions of the world with which the whole Moreh is concerned.

The first cosmological conception is that of the Kalam which maintains continuous creation, i. e., that every point of reality is due to the immediate and direct presence of divine intervention. All existence is dependent on the act of the divine will which exerts itself afresh from moment to moment. The counterpart of this doctrine of creation would be prophecy according to the first of the three views which maintains that the gift of prophecy is not subject to natural law and that no human preparation is required for its attainment, the will of God being the exclusive factor. When he deprecates this view of prophecy as the notion of the ignorant masses, Maimonides is impelled by the same considerations that led him to repudiate the doctrine of the Kalam with regard to the world's origin. By making every moment of reality dependent upon the arbitrary will of God, the Kalam denied the existence of natural law. The corresponding view of prophecy bars natural law from the domain of prophecy, since the occurrence of prophecy is exclusively determined by the arbitrary will of God. Maimonides, who regards the world as an ordered cosmos in which every phenomenon is determined by the invincible laws of nature, insists that natural law operates also in prophecy and that certain conditions are therefore indispensable for the prophetic attainment. Thus prophecy, as a natural phenomenon, is subject to law and dependent upon human preparations.

The Aristotelian view of the world as eternally and necessarily existing corresponds to the philosopher's view of prophecy, which maintains that the phenomenon of prophecy follows necessarily from its determining conditions. The doctrine, that the world has existed from eternity and of necessity, tallies with the view that, given certain conditions, prophecy becomes inevitable.

Maimonides, while regarding the world as an ordered cosmos governed by a system of natural laws, holds nonetheless that the origin of the world is rooted in an act of the divine will. Creation itself cannot be deduced from the divine essence; the world did not arise automatically out of God's sheer being, but

it is rather the result of a special creative act. This doctrine stands intermediate between that of Aristotle and that of the Kalam. Viewing the world as an ordered cosmos subject to natural law, Maimonides sides with the Aristotelians against the Kalam. But, when he maintains that the world was created out of nothing and that creation was wrought by a special act of the divine will, Maimonides sides with the Kalam against Aristotle. Not from necessity did the world result but from divine volition.

The same holds true of prophecy. Prophecy is likewise a phenomenon subject to law; it is dependent upon certain conditions. But prophecy does not necessarily follow from these conditions, for it can be withheld by the will of God. Thus did the Maimonidean view of prophecy tally with the Maimonidean cosmology. In his cosmology as in his view of prophecy, Maimonides is opposed to the Kalam, on the one hand, and to the Aristotelians, on the other. Maimonides' philosophical standpoint can also be formulated, in a positive sense, as a synthesis of the Aristotelian position with that of the Kalam. Aristotelian is the conception of the world as an orderly law-governed cosmos. From the Kalam comes the conception of the world as existing not of necessity but by a creative act of the divine will.

Maimonides was well aware that his proof of creation showed not a little affinity with the Kalam dialectics. After refuting the Aristotelian denial of creation, Maimonides, in order to prove creation, resorts to a single argument. This is the argument from the individual characteristics of the heavenly bodies. Each of the heavenly bodies exhibits peculiarities of speed and of direction that cannot be explained as emanations or as matters of necessity. Those peculiarities can be understood only if we acknowledge a divine act of will.⁶ But this act of the will is posited by Maimonides as a metaphysical act occurring only once at the moment of creation, but not operating constantly in the natural realm, here and now, as the Kalam alleges in its denial of natural law.

The same philosophical position shows itself also in the

⁶ Moreh, II, Chap. 19.

Maimonidean conception of miracles. Maimonides states that there is a relation between the conception of the creation of the world and that of miracles.⁷ It seems that Maimonides regards miracles and *creatio ex nihilo* as aspects of one and the same phenomenon. This is commonly supposed to mean that miracles, being divine interruptions of natural processes, resemble the divine act of creation. Maimonides is supposed to argue that the possibility of miracles is assumed when creation is assumed. But the interpretation of miracles as divine interventions in the natural processes flatly contradicts the Maimonidean conception of the world as an ordered cosmos governed by a perfect system of law established by an All-perfect Being. Perfection and divine intervention are incompatible; they constitute a contradiction in terms. It is therefore illogical to assume that Maimonides' conception of miracles affirms divine interference with natural processes.⁸ Besides, in his commentary on the Mishnah, Maimonides asserts explicitly that miracles are due to a provision, divinely instituted at the world's creation, for occasional deviation from natural processes.⁹ Julius Guttman is of the opinion that, in the *Moreh*, Maimonides has abandoned this interpretation of miracles and has accepted in its place the idea of miracles as interventions in the natural processes.¹⁰ But, in the *Moreh*, Maimonides cites also the Midrash which states that at creation, God stipulated with the elements that, under certain circumstances, natural law would be set aside.¹¹

It seems to me, therefore, that the meaning of Maimonides'

⁷ *Moreh*, II, 32: וזה ברצון אלהי וזה אצלי הוא כרמות הנפלאות כלם ונמשך כמנהגם.

⁸ Cf. my essay, "The Philosophy of Maimonides and its Systematic Place in the History of Philosophy," in *Philosophy*, the Journal of the British Institute of Philosophy, January 1936, p. 73 f. There I show the affinity between the views of Maimonides and those of Leibnitz with regard to the world as an ordered cosmos and a manifestation of divine wisdom and perfection. Both Maimonides and Leibnitz assign priority to the divine attribute of omniscience; they subordinate to omniscience the attribute of omnipotence. Both philosophers agree that a divine interruption of the world's processes would be incompatible with divine omniscience and perfection.

⁹ *Ab.*, Chap. 5.

¹⁰ Cf. Julius Guttman, *Die Philosophie des Judentums*, 1933, p. 192 f.

¹¹ *Moreh* II, Chap. 29.

statement that the phenomenon of miracles is akin to *creatio ex nihilo*, is to be understood thus: by assuming creation as an act of divine will, we can understand miracles as provisions made by the will of God for an eventual suspension of natural law in certain preordained cases. If the existence of the world were of necessity, miracles, as deviations from natural law, would be impossible. Blind necessity would preclude such miraculous deviations. But since creation of the world, as a system of laws, is in itself due to an act of the will of God, the provision for such deviations is made possible as part and parcel of the divine scheme.

Just as the heavenly bodies in their individual characteristics cannot be derived from general law but must be attributed to a creative act of the will of God, so likewise miracles, as individual phenomena contrary to the general pattern of natural law, have their root in the divine will. But the area of operation of the divine will is in the metaphysical realm, i. e., at the moment of creation; it is not operative in the form of intervention in the natural process.

In the system of Maimonides the function of the idea of the divine will is to explain the individual phenomena which cannot be derived from general law. The miracles, as deviations from natural law, occur only with regard to individual phenomena; they do not affect the species, that is, the general forms of being. God, according to Maimonides, changes the nature of some individual things but not that of the species in general or the nature of man as a whole.¹² The divine will is thus a *principium individuationis*, explaining particular, individual phenomena which cannot be derived from natural law.

It follows that, when Maimonides refers to a unique phenomenon in the world of prophecy, he must have in mind something differentiated by the will of God. The singular kind of prophecy must belong to the same category of phenomena for which the divine will serves as a *principium individuationis*. This is the prophecy of Moses. Prophecy in general is a natural phenomenon; as such it is determined by definite natural con-

¹² Moreh III, Chap. 32.

ditions. But the prophecy of Moses was exceptional; it occupies a place all its own. As a singular occurrence, it has its systematic place in the scheme of creation when the divine will is operative.

We proceed now to qualify this statement. We shall undertake to show that the prophecy of Moses was, in only one respect, due to the creative will of God. That one respect lay in the role of Moses as lawgiver.

We recall that Maimonides took issue with the philosophers' view of prophecy in that, while the philosophers expected the gift of prophecy to follow inevitably wherever anyone had attained a high degree of intellectual and moral excellence, combined with a perfect imagination, Maimonides asserts that humanly acquired excellence does not suffice. The gift of prophecy could still be withheld if to withhold it were the divine will. In other words, the divine will functions not positively but negatively.

Here arises a difficulty concerning the understanding of the reason motivating Maimonides' formulation, namely, that the role of the divine will is negative rather than positive, that it is operative in withholding instead of in bestowing prophecy. Had Maimonides meant merely to affirm a synthesis of the natural conditions of prophecy and the divine will, he could have stated his position in a positive form; he could have said that, in addition to a high degree of perfection of the natural gifts of man, the divine will must bestow the gift of prophecy.¹³

It seems to me that the negative formulation of the role of the divine will is a necessary result of the whole Maimonidean system of thought. Prophecy, as a natural phenomenon, must have its place in an ordered cosmos; it must be deducible wholly

¹³ Cf. J. Guttman, *op. cit.* p. 195. Noting the peculiarity of Maimonides' formulation, Guttman writes: "In der paradoxen Form, nicht das Eintreten, sondern das Ausbleiben der Prophetie auf einen göttlichen Willensakt zurückzuführen, gewinnt Maimonides so den Gedanken der Sendungsprophetie zurück." For maintaining the missionary character of prophecy, a positive formulation would, I think, have been better. It could have been asserted that the occurrence of prophecy depends upon a positive act of the divine will.

and completely from natural causes. If, now, prophecy required divine intervention in a positive sense, that is if the will of God must confer it, that would imply an act of divine intervention in the natural process. This is inadmissible, according to Maimonides' conception of the cosmos as a system of laws manifesting divine perfection. Such is the Maimonidean reason for imputing to the will of God not the bestowal of prophecy but its withholding. Even though the natural conditions be present, prophecy may still, by divine fiat, be absent. The divine will has its place in the metaphysical realm, but it does not intervene in the natural process, for intervention is incompatible with divine omniscience and perfection. The divine will is therefore operative either at the moment of creation, as in the case of miracles, or in the withholding, that is in the non-being of prophecy. Functioning positively in the act of creation, even to the extent of providing for subsequent miracles, the divine will, by refusing to grant the prophetic endowment, functions thereafter negatively. Every phenomenon of being must have its place in a universal system of cause and effect. Therefore the divine will can act upon prophecy only by way of withholding. That is to say, the non-occurrence of prophecy, something which is not a phenomenon of being, can be ascribed to the metaphysical act of the divine will; prophecy itself cannot be thus ascribed. This was the manner in which Maimonides avoided construing prophecy as an interference with the natural order.

According to Maimonides, prophecy, in the main a natural phenomenon, is subject to certain conditions, those conditions being the development of the individual's rationality, morality, and imagination. The prophetic gift of Moses omitted imagination. In four particulars, the prophetic gift of Moses was unique:

1. The other prophets received their prophetic message through dreams and visions. Moses received his during complete wakefulness.

2. The other prophets needed, for their insight, similes and images. Moses needed no similes or images.

3. The other prophets were, when prophesying, in a state of ecstasy, trembling and full of fear. Not thus was Moses.

4. The other prophets received their inspiration at intervals of varying duration. The inspiration of Moses was continuous.

It will be noticed that all four distinctions go back to one basic differential, namely, the other prophets employed imagination; Moses dispensed with imagination. Already Abarbanel reduced all four distinctions to one.¹⁴ When prophecy needs imagination, prophecy can occur only through dreams and visions. Inasmuch as imagination is impeded by sense perception, prophecy of the kind that needs imagination can arise only when the senses are asleep and inactive. Similes and images betoken imagination at work, clear concepts being the antitheses of similes and images. Finally, the intervals between the prophetic visions of ordinary prophets are due to the fact that imagination acts sporadically. Because imagination had no part in the prophecy of Moses, that prophecy entailed no dreams or visions, no state of ecstasy, no similes or images, and no intervals. The prophetic endowment of Moses consisted of clear concepts and those clear concepts presented themselves uninterruptedly. The prophecy of Moses thus exemplified, so to speak, an act of direct "intellectual intuition," to use a modern philosophical term, free of the admixture of imagination.

Such an intellectual state is the supreme attainment of man. It is not due to the divine will but is the result of the highest development of the rational faculty by natural means. Julius Guttman defined Maimonides' conception of the uniqueness of Mosaic prophecy "as a phenomenon *sui generis*, entirely removed from the sphere of the natural and completely dependent on the supernatural activity of God."¹⁵ In our understanding of Maimonides, the uniqueness of Mosaic prophecy consists in an attainment of a superb degree of intellectual perfection, dispensing with the imaginative media. It would therefore be more correct to define the singular character of Mosaic prophecy

¹⁴ Cf. Abarbanel's Commentary on the Moreh, II, Chap. 35.

¹⁵ See J. Guttman, *op. cit.*, p. 195.

not as "being completely dependent on the supernatural activity of God" but rather as the result of a superb rational attainment owing to the natural activity of man.

Since the rational cognition achieved by Moses was, according to Maimonides, a product of natural human effort, it follows that this cognition is in principle attainable by man. Cognition, undiluted by imagination, thus becomes, for man, a goal placed before him, an ideal after which to strive. Approximating that perfection of knowledge gets to be man's ethical task. Had the supreme cognition gained by Moses been something removed from the natural sphere — had it depended entirely on God's supernatural workings — that acquisition could hardly figure as a goal of human endeavor and an object of man's ethical pursuit. For how can man, by any natural exertion, acquire that which is exclusively the province of the supernatural, in other words, of the divine will?

Only Moses' role as a lawgiver, that is to say, the prophetic inspiration he received in the form of commandments for a people, is due to the creative will of God. And again the giving of the law was not an intervention in the natural process, but was a part of the divine scheme and a result of God's will operative at the world's creation. This is what Maimonides means by linking together the giving of the law and the occurrence of miracles. Creation accounted for the possibility of both. Just as miracles are, for Maimonides, not interventions but preordained suspensions of natural law, so is the giving of the law a part of the scheme of creation. Thus, only the role of Moses as a lawgiver is to be attributed to the divine creative will.

The prophets who preceded Moses — for example, the patriarchs — received prophetic inspiration and disseminated truth. But they did not receive the prophetic message in the form of injunctions to a people. Moses was the first to conceive his inspiration in this manner.¹⁶ The patriarchs taught what was right and good; but Moses was the first to announce the commission: "God hath said to me, 'This shall ye do,' 'This shall ye not do,'" or "God hath sent me," and the like.

¹⁶ Cf. *Moreh*, I, Chap. 63.

God imparted to the patriarchs admonitions relating to their personal perfection, directed them in matters concerning personal conduct, and foretold to them the future of their descendants; nothing beyond this. None but Moses discharged the function of messenger from God to the people. Intellectually the attainments of the patriarchs were equal to those of Moses.¹⁷ The idea of a God imparting commandments was known to the patriarchs also, but they understood the commandments as injunctions bearing upon their personal lives. It was only Moses who envisaged God as a being communicating statutes and ordinances to an entire nation. Moses recognized his role as an intermediary between God and the people. All the prophets subsequent to Moses spoke in his name, exhorting the people to heed the law of Moses. Among the prophets, Moses was central.

II. SPINOZA

This conception of Moses, as mediating between God and the nation, brings us to Spinoza who saw the uniqueness of Moses in the role of Moses as representative of God when the compact was made between God and Israel. While, for Maimonides, the office of Moses as lawgiver had a transcendent source in the divine will, Spinoza declares that the office of lawgiver was conferred upon Moses by the will of the people.

In his *Tractatus Theologico-Politicus*, Spinoza undertakes a dual task. He deals with prophecy and revelation and then proceeds to expound his own political philosophy. The compound name, *Theologico-Politicus*, conveys that dual purpose. In connection with his political philosophy, Spinoza sets forth his conception of the Mosaic law. First Spinoza marks off the realm of revelation and prophecy from that of philosophic speculation. While philosophy strives for the attainment of clear concepts concerning the essence of being, substance, and God, revelation and prophecy teach obedience and the way of a good life. Spinoza then essays to show that the Mosaic law was essentially a state law. The binding force and the validity

¹⁷ *Ibid.* III, Chap. 51.

of law instituted by a state rest upon a compact, a compact between the people and a king, or between the people and an oligarchy, or a compact among the people themselves, as happens when the government of the state is a representative form of government.

Spinoza views prophecy as an effect of the imagination, and imagination is, with Spinoza, an inadequate form of cognition. Knowledge that is adequate has to be either rational or intuitive. Rational cognition is attained when the process of thought is from *natura naturata* to *natura naturans*, from the particular natural phenomena to general concepts and from the general concepts to the all inclusive metaphysical ideas of substance and God. Intuitive cognition works in the opposite direction, proceeding from *natura naturans* to *natura naturata*, from the all inclusive metaphysical idea of substance down to the particular natural phenomena. But by the faculty of the imagination man is capable of imagining non-existent things and is exposed to fictions and errors.

With Maimonides also, imagination divorced from perfected rationality is the source of a faulty type of cognition. Magic, according to Maimonides, is the upshot of such imagination. Yet, in prophecy, resulting from the development to a high degree of perfection of both faculties, namely, that of rationality and that of the imagination, the function of the imagination is rather positive; imagination can aid rational cognition and promote it towards the attainment of metaphysical insight. With Spinoza, by contrast, it was through imagination only that the prophets obtained the revelation of God. The gift of prophecy presupposes not a perfect mind but a live and active imagination. Thus Spinoza teaches that prophecy is a product neither of rationality nor of intuition and that, in this respect, Moses and the other prophets are alike.

Reason, according to Spinoza, is revelation of the highest kind. Human reason is part of divine reason. In the language of the *Ethics*, human reason is a *modus* of thought, and thought is one of the two attributes of God known to man. Reason is therefore capable of participating in the divine thought by attaining clear and distinct concepts which adequately corre-

spond to the nature of things. All clear and distinct ideas, such as those of mathematics, proceed from ideation in the mind of God, for all thought is rooted in God.

This doctrine of Spinoza is of Maimonidean origin. Maimonides brings it out in his distinction between Moses and the other prophets. It will be recalled that, while the other prophets, according to Maimonides, required a fully developed imagination, the prophecy of Moses, forgoing imagination, exemplified cognition at its highest. Rational knowledge with clear concepts, illustrated in Moses, is for Maimonides the acme of revelation. So likewise, with Spinoza, the only true revelation consists of knowledge rational and knowledge intuitive. Spinoza differs from Maimonides in that Spinoza vests all prophecy with imagination whether it be the prophecy of Moses or that of the others.

According to Spinoza, the difference between Moses and the other prophets resides in the fact that the other prophets discerned visions, while Moses alone heard a voice unmistakably uttering clear and distinct words. Such is Spinoza's understanding of passages like "With him do I speak mouth to mouth" (Num. 12.8) and "There hath not arisen a prophet since in Israel like Moses, whom the Lord knew face to face" (Deut. 34.10). Thus was the prophetic ability of Moses imbued with imagination, but it was imagination of a unique kind. Any conception of God is imaginative if it is attained by means of a corporeal medium whether it be corporeal visions or corporeal sounds.

As imagination is subject to various undetermined factors, it is not constant and steady. Rising and falling with the shift of circumstances, the power of imagination varies. Hence the ability to prophecy was not continuous. That ability arrived only at intervals of various duration. In this respect, according to Spinoza, no difference obtained between Moses and the other prophets. With Maimonides, the distinction between the prophecy of Moses and that of the other prophets was a distinction in essence; with Spinoza, the difference between them was merely one of degree.

If imagination is the determining factor in prophecy, how then can one distinguish between true prophecy and false proph-

ecy? And how was the conviction attained by the prophet concerning the truth of the revealed message? This was the reason why the prophets would ask for confirmatory signs. But since signs themselves are incidents of the imagination, all that happened was the confirmation of one piece of imagination by another piece of imagination. According to Spinoza, the certainty about the revelations of the prophets was a moral certainty, but not a mathematical certainty. The latter is the prerogative of natural cognition which grants the certainty of a conclusion from the very concept or the definition of an object. Prophetic certainty would follow from these three considerations:

1. The strength of the prophetic imagination. Things revealed had the vividness of objects present.
2. Prophetic signs.
3. The deep prophetic sense of morality.

In these respects, Moses resembled the others. Moses not only relied on imagination, he likewise besought verifying signs.

Moses conceived of God as a Being whose existence is eternal. God was and is and will be. Moses apprehended God by the name of Jehovah, a name signifying time's three facets: present, past, and future. When God apprised Moses that, by the name of Jehovah, He had not been revealed unto the patriarchs, the import was that the patriarchs knew the manifestations of God, the actions of God, that is the power of God as displayed in visible things, but they knew not the essence of God. Moses restricted his teaching to the ethical attributes of God; of the essence of God he divulged only a part, namely, His eternity.

According to Spinoza, to comprehend the positive essential attributes of God from which the ethical teachings follow as a necessary consequence, constitutes the ideal cognition. But, when the ethical teachings are primary and focal to the understanding of God's essence and not flowing from the comprehension of God's essential attributes, knowledge is incomplete. What Moses taught was God's ethical attributes but, of God's essential attributes, he disclosed only God's eternity. With Spinoza, such knowledge is not complete. Similarly, Maimonides had emphasized that, while Moses, in positive terms, taught

God's ethical attributes, Moses held that God's essential attributes cannot be known by man because of his limitations. Maimonides, however, in contradistinction to Spinoza, recognized this as the highest form of cognition.

Then, with Spinoza, the distinction between the Mosaic conception of God and that of the patriarchs consists in that the former had an idea, even though not complete, of the absolute essence of God, while the latter knew only of God's actions and effects, not of His absolute essence. Maimonides, however, regarded the intellectual attainment of the patriarchs as on a par with that of Moses, the uniqueness of Moses consisted only in that he transmitted a message for the entire nation.¹⁸ His prophecy had thus a missionary character, while the prophecy of the patriarchs was concerned only with their personal life.

According to Spinoza, images of God were forbidden not on the ground that it is self-contradictory to represent the absolute Being who has no form as something visible, but on the ground that any image of human devising would be inadequate. Inasmuch as Moses asked that he might behold God, it is obvious that Moses believed in the possibility of God's having a shape or image. Shape or image does not conflict with God's essence. God's reply to Moses, "Man shall not see Me and live" (Ex. 33.20), signifies only that man is unable to look upon the divine image, not that a divine image is a logical impossibility. While the other prophets, by virtue of their imagination, saw God in a concrete form, Moses, because he excluded imagination, could apprehend no form of God which would be adequate. Yet, his resistance to imagination, while it prevented his beholding God's shape, did not prevent his hearing God's words.

In saying that Moses discarded imagination, Spinoza implies:

1. That Moses realized the inadequacy of imagination as a mode of comprehending God's essence, and
2. That Moses strove to attain a clear concept of the Deity by rational means. It is therefore unwarranted to maintain, with Spinoza, that Moses believed in the possible visibility

¹⁸ Cf. above, p. 379 f.

of God. Since our object is merely that of expounding Spinoza's thought, we forbear to enlarge here upon Spinoza's inconsistencies.

Spinoza differentiates between two meanings of the concept of law. Law can refer to that which follows from a thing's nature or from its definition. The law of gravitation, to which physical bodies are subject, would be an example. Also an example would be the law of the association of ideas pertaining to the nature of man. Law in this sense is called *Lex*. The other kind of law consists of rules formulated by human beings to govern human conduct. This type of law is called *Jus*.

Moses did not impart laws in the sense of *Lex*. He did not, as a philosopher, teach people a clear concept of God from which worthy action would follow spontaneously out of freedom of the spirit. Moses functioned as a legislator.¹⁹ He compelled good action. A happy life was to be the goal, but the means were mastery and domination and ample recourse to rewards and punishments. In other words, the Mosaic law aimed not at intellectual and ethical perfection but at a life of happiness and of freedom from slavery. This is stated by all the prophets. The only retribution presaged for disobedience was the downfall of the state.

Moses as lawgiver occupied, among the prophets, a unique position. Moses figured as God's spokesman. The allegiance to God which the people pledged upon their liberation from Egypt was transferred to Moses. And the government established by Moses was a theocracy, in which loyalty was directed to God only, with Moses as God's representative in the covenant between God and the people.

Early in the *Tractatus Theologico-Politicus*, Spinoza states that, in the Bible, *Nabi* means God's interpreter. This obviously follows from Ex. 7.1, "See I have set thee as a God to Pharaoh; and Aaron thy brother shall be thy prophet." The significance of Spinoza's observation grows in his subsequent chapters when he develops his idea of government as contract. Spinoza

¹⁹ Spinoza, in his treatment of ethics, aimed to expound *Lex*, while he regarded the endeavor of Moses as *Jus*.

explains that the Mosaic law, the Hebrew constitution, derived its cogency from the compact that Israel made with God. The people dealt with God by dealing with Moses. When the people urged Moses, "Speak thou with us, and we will hear; but let not God speak with us, lest we die" (Ex. 20.16), Moses, we could say, took God's place as the other party to the agreement. The term *Nabi*, meaning God's interpreter, as applied to Moses, thus acquires, with Spinoza, a special import. The word now signifies that Moses assumed a unique and unduplicated place among the prophets. The status of Moses got to be like that of a monarch whose authority is based upon a contract between the monarch and his subjects, except that Moses ruled not by his own right but by the sovereignty of God in whose name he spoke.

The Hebrew theocracy which Moses founded remained throughout the existence of the state. The judges and, after them, the kings wielded their rulership under the original Mosaic constitution.

The passage in Deut. 34.10, "There hath not arisen a prophet in Israel like unto Moses," is taken by Spinoza to indicate that no prophet except Moses was accepted by the people as the spokesman of God. Moses had no successor. Joshua was only the leader in the military conquest of the land, while matters spiritual were delegated to the priests. All of the prophets subsequent to Moses spoke in the name of God or of Moses. Their reference was to the original covenant; only that was binding. Among the prophets, Moses was thus unique in virtue of the rank conferred upon him by the people's assent.

III. S. MAIMON

While Spinoza finds the singularity of Moses not in any special metaphysical conception that Moses may have possessed regarding the essence of being and of God but in the mission of Moses as God's representative and interpreter, Solomon Maimon perceives the singularity of Moses in a conception of God and of the universe which, Maimon asserts, Moses evolved out of his particular life-experience.

Maimon's idea of the personality of Moses is bound up with his conception of ethics. Maimon was critical of the ethical doctrine of Kant in the same manner as he was critical of the Kantian deduction of the categories of thought and of the synthetic propositions *a priori*. Maimon's philosophical position has been defined as critical skepticism in contradistinction to Aenesidemus-Schulze's criticism of Kant as dogmatic skepticism. Kant deduced freedom of the will from the categorical imperative or, in other words, from the moral sense of man. Kant takes the moral consciousness of man for granted. From the imperative "thou shalt" is derived the fact of freedom of the will. "Thou shalt, therefore thou canst"—this is the essence of the Kantian deduction that freedom of the will is real. Maimon countered that, from the imperative "thou shalt," the reality of freedom cannot be derived. Since the categorical imperative may be the result of habit or other psychological causes, it cannot be taken as a primary fact from which to derive the reality of freedom. Maimon's criticism of Kant in general poses the question *quid facti*? All synthetic propositions are open to doubt. The reality of the facts of scientific experience as stated in the form of synthetic propositions lacks certainty and general validity; they may, as supposed by Hume, be the result of habit and custom. Likewise, the factual reality of the categorical imperative lacks certainty, since the moral sense of which we are conscious may be the result of a psychological illusion; it is not to be taken as a primary and irrefutable fact. Freedom of the will cannot therefore be derived from the categorical imperative. Maimon accordingly construed freedom of the will not as an actual fact but as an ideal. It is a goal for which to strive. Freedom has to be acquired, and that acquisition constitutes the ethical task. One of Maimon's definitions of the categorical imperative is: "Man, become free" which is equivalent to: "Strive to be free!"

Since the attainment of freedom is man's supreme task, Maimon defines the great personality as one by whom freedom of the will has been achieved. With freedom of the will as the ideal, the utmost approximation to the ideal is self-mastery.

In the essay, "Der Grosse Mann," Maimon undertakes to

set forth the qualities requisite for greatness.²⁰ Maimon introduces his subject by classifying the various attitudes of people toward greatness. There are those who esteem the ideal and strive toward the ideal, pursuing it, however, not as a goal but as a means toward other objectives such as honor or social position. For people of that kind, the ideal is not a good in itself. Its value is but that of an instrument toward something ulterior. For such people, the mere show of greatness will suffice. Their aim is that of making upon others the impression of greatness. The reality of greatness is immaterial.

Some again endeavor to qualify as great personalities but without success. They labor sincerely for perfection in some field, blind to the fact that efficiency in that field does not constitute greatness of personality. Such people may become great as scholars or as statesmen or the like. But they fall short of becoming great personalities.

Toward the ideal, most people do not even strive. This is due either to ignorance of its value or to lack of self-confidence. The ideal looks, to those people, like an unattainable boon.

In all of these instances, there is lacking a clear conception of what constitutes a great personality. Maimon undertakes to define the ideal and to show that there is involved not the satisfaction of one's vanity but the fulfilment of every obligation. Reaching toward that ideal is therefore itself an obligation, for it is a necessary condition for the possible realization of all duties of man. Pronouncing freedom of the will inseparable from greatness, Maimon treats the subject of freedom as the first of his topics. The will is not free so long as it is determined by empirically given purposes and swayed by outward pressures. These pressures are balanced, one against the other, in accordance with their value for the individual as determined by empirically given purposes. The choice between various conflicting ends is determined empirically and in a necessary manner. In this respect there is no difference between man and the animals. The only divergence between them is that man's superior

²⁰ See, Solomon Maimon, "Der Grosse Mann," in *Neue Berlinische Monatsschrift*, Berlin and Stettin, 1799, Band II, p. 244 ff.

knowledge enables him to scan a wider field of objectives, and then because of his intelligence man is capable of foreseeing the consequences of his actions in a manner not given to the animals. In other words, "They differ not as regards the form of choosing but as regards the material from which they do their choosing."²¹

Thus, at the outset, man's choice of action is subject to the same necessity as determines choice by the beasts. But gradually there dawns in man a new capacity and a consciousness of that capacity. In every choice, man experiences the strain of excluding one purpose for the sake of another and a higher purpose. But by following the line of action freely chosen there arises in man's consciousness the realization of himself as a subject. Exaltedness of choice brings an inner satisfaction. Man discovers his worth as a personality. For example, one chooses abstinence for the sake of health and longevity, because one rates these as preferable to unlimited sensuous indulgence. At first, moderation costs effort. But, when one's desires have been subdued, one feels a deep contentment. One knows what it is to be a free person. Self-denial thus affords not merely a higher advantage than that of sensual indulgence; it renders one, in addition, a free subject capable of electing one's objectives. The freedom thus acquired enables one not only to choose a greater good than sensual indulgence; it also empowers one to set oneself tasks and goals by one's own unhampered determination. As long as man acts under compulsion, he cannot realize his worth as a free entity. He acquires awareness of that worth only when he acts from untrammelled choice and exercises his will. Then will he prefer moderation, to follow the example cited, not from any mechanical balancing of one desire against another; his will be the freedom to follow a set aim whatever the countervailing pressures. In consequence of the acquired freedom, man feels himself a free subject capable of setting himself aims in opposition to the materially given purposes and outside pressures.

The realization of man as a free subject lends itself to growth

²¹ *Ibid.*, p. 246.

and development; for freedom can be strengthened through exercise. It is freedom thus acquired that makes the personality great. Freedom of the will, as an ideal postulated by the moral law, is not the same as the freedom acquired through practice. The ideal of freedom as a postulate of pure reason is an element not of human greatness but of divine greatness. The freedom actually perceptible is such freedom as is acquired. According to Maimon, the categorical imperative is that quality in man which bids him subordinate his subjective will to the general objective will. This is the divine in man; it is something to which he aspires, not something that is real.²² By contrast, the freedom achieved through human effort and practice, with the attendant consciousness of one's value as a personality — this is something which man can realize and something therefore susceptible of observation and of empirical demonstration.

The objection might be raised: Practice, you say, brings one to a point where one chooses the good spontaneously, without self-restraint and without self-denial. Yet, in the absence of self-restraint and self-denial, how can there be greatness? How can one possess greatness who no longer has any need of applying the power of the will? Maimon replies that, by the reduced occasion for asserting the will, greatness is not impaired. The diminished need for will-power merely testifies to acts of self-restraint previously performed.

In fact, as Maimon would have it, the acquisition of greatness through the liberation of the will is an infinite task. The contest between one's sensuous desires and the objective good, between the individual subjective will and the general objective will, is a contest everlasting, a struggle without end.

By way of preface to his treatment of human greatness, Maimon scrutinizes the concept of greatness in general. Greatness is an attribute of quantity. It is a mathematical magnitude subject to increase or decrease *ad infinitum*. Every object possessing quantity can be thought of as being greater or smaller without losing its identity or changing its classification. Still, it should be noted that, so long as the mathematical magnitude

²² *Ibid.*, p. 248.

of an object is comparable with other objects of the same category, even though it is much superior in magnitude to all other objects of the same kind, it does not provoke in us a sense of aesthetic grandeur. In all events, "greater" or "greatest" implies comparison with other objects of the same category, and so long as an object stands comparison with other objects, it does not generate aesthetic appeal. But sometimes an object can so increase in size that it ceases to be comparable with those other objects. That kind of size generates aesthetic appeal. The object then withdraws from its former class. It becomes something *sui generis*.

The same applies to greatness in a human being. The definition of a "great man" must comply with these requirements. An individual, to be great, must cease to be comparable with others. He must be a man *sui generis*, generating an aesthetic appeal. In addition, an individual to be great must inspire emulation. By provoking in us a desire to pattern ourselves after him he becomes for us a symbol. While the contemplation of the great and unique phenomena of nature or the great artistic products of the human genius is accompanied only with an aesthetic sense of the beautiful, the phenomenon of a great man, whose uniqueness is the result of the liberation of his will and of a creative process, provokes in us a desire to emulate him. Therein lies the difference between greatness in non-human objects and greatness in man. The ethical effect which the great man must exert on us is thus a necessary element of the very definition of human greatness.

Maimon is well aware of the limitations adhering to his deduction of the concept of a great man, inasmuch as human greatness cannot be established otherwise than by reference to man's consciousness as such. A factor in human greatness, as just stated, is the responsiveness of others. We cannot, however, give a necessary deduction of this concept in a manner similar to the "transcendental deduction" of the categories of thought which are derived by Kant from the fact of scientific experience. In attempting to define the concept of a great man, we can only refer to human consciousness. Just as Kant deduced the moral principle from human consciousness, that is, the moral

sense of man, so Maimon proceeds with regard to the concept of a great man. But Maimon was critical of the Kantian deduction of the moral principle, recognizing that the moral sense is not a primary fact of reality from which the moral law could justifiably be deduced. The question "*quid facti?*" which Maimon raised against the Kantian deduction of the moral law could also be posed against Maimon's own derivation of the concept of a great man. Kant who expounded his "transcendental deduction of the categories" allowed that moral values fall outside of that "transcendental deduction." Something analogous pertains to Maimon's concept of a great personality.

In his contemplation of the great personality, Maimon had in mind a specific individual, some individual who occupies a central place in the cultural consciousness of man. That individual was Moses, to whom Maimon refers near the end of his essay. Maimon derives his conception of greatness from his conception of Moses. In this, Maimon was influenced by Maimonides. According to Maimonides, as we have noticed, the prophetic gift of Moses was in a class all to itself. It differed from that of the other prophets not only in degree but also in kind. The prophetic power of Moses brooks no comparison. The uniqueness of Mosaic prophecy is, with Maimonides, an article of faith.

The Maimonidean appraisal of Moses can be discerned in Maimon's insistence that the great personality is not only without duplication but also that it awakens the urge to emulate. We have noticed how Maimonides held that the other prophets needed not only intellectual and ethical perfection but imagination as well; while the prophecy of Moses, omitting imagination, manifests unalloyed thought. From this one distinction between Moses and the rest of the prophets, all of the other distinctions follow.²³ This perfect rationality plus the conception of the idea of God, as described in positive ethical attributes, and exemplified by Moses' teaching and action, presented something infinite. Moses became a model for human emulation and a pattern for endless human striving.

²³ Cf. above, p. 378.

As to the moral effect which the idea of a great man must exert, Maimon derived it from his own experience. The influence of Maimonides is professed by Maimon in his autobiography. The enchantment of a great personality thus rested upon Maimon himself. "My reverence for this great teacher went so far that I regarded him as the ideal, the perfection, of a man."²⁴ Thus, in his own life, did Maimon learn the effect of the idea of a great personality. Maimon's conception of the great man grew not out of logic alone but out of his own experience.

Natural gifts, no matter how extraordinary, cannot by themselves produce greatness. The reason is that those gifts have not been generated by the individual's own free will. We are provided with nothing to emulate. We can, it is true, emulate a hero courageous in battle and valiant amid difficulties. Yet, if there has been no mastery of self and no liberation of self, the title of greatness does not apply. Innate gifts of mind cannot confer greatness because they present nothing to be imitated by anyone less richly endowed. Whatever the field of human endeavor, the test of greatness is not genius but the amount of free choice.

Genius consists of two capacities. One of them is creativeness independent of any outside aid. The other is judgment controlling that creativeness. While creativeness tends to get out of bounds, judgment tends to restrain. Genius is the happy combination of the two.

Though genius is a natural gift, genius put to use betokens free action. The possessor of genius must employ his will power in order so to harmonize the two capabilities as to bring about an optimum of results. To transmute a genius into a great personality thus calls for freedom of choice. It is not through his inborn gifts but through his exercise of restraint that the man of genius becomes a model for emulation. In brief, the essence of greatness, according to Maimon, lies in self-mastery and self-control. Human smallness, the opposite of greatness, prevails when the will is weak. Maimon offers some fine psycho-

²⁴ *Lebensgeschichte*, II, p. 3 f.

logical observations on mental ailments due to the absence of will or to its enfeeblement.²⁵

In accordance with his conception of human greatness, Maimon elaborates on the personality of Moses. He writes that the Hebrew lawgiver was the first great man known to us from ancient history. Moses possessed innate gifts, genius, upbringing at the Egyptian court, education in all branches of Egyptian learning. These were materials out of which greatness could be constructed. But Moses achieved greatness by his own efforts. His first deeds as a young man reveal a sense of justice, abhorrence of violence, unusual courage in resisting oppression, whether committed by a master belonging to one race against a slave belonging to another race or committed within the same race by slave against slave. To preserve himself for the historic role that awaited him, Moses fled his impending prosecution and went into exile in Media. There he matured the plans for his future. He mapped out his lifework. He set himself the project of liberating his people from bondage, giving them a moral code, lifting their character to higher levels, creating for them a state in which they would be free to live in accordance with moral law and to become a model for the world. In these aims what could Moses count on as resource? He could not possibly look for help to his own enslaved compatriots. His only sustenance was his trust in Jehovah. That trust filled him with overwhelming power.

To understand that reliance on Jehovah, we must contrast the concept of God, cherished by Moses, with the concept prevalent among his contemporaries and the patriarchs, his forebears. The patriarchs opposed the paganism which ascribed each phenomenon of nature to a different deity. The patriarchs conceived of God as a supermundane, uncaused, creative cause of everything. At the same time, their concept of God differed from that of the philosophers. The God of the philosophers was so transcendent as to be entirely removed from human affairs and beyond all human approach. It was otherwise with the God of the patriarchs. The God of the patriarchs was not an

²⁵ Cf. Maimon, "Der Grosse Mann," *ibid.*, p. 265 ff.

intellectual abstraction — a first, universal cause, transcendent and indifferent to mankind. On the contrary, the God of the patriarchs was supremely wise and just, a God near to man. The God of the patriarchs was endowed with such attributes as justice, righteousness, goodness. That was the idea which the patriarchs transmitted to their descendants. The patriarchs had evolved their concept of God from their personal experiences as well as from their observations of nature and of man. The order and the purpose which they saw in nature manifested to them a God of wisdom. The harmony between the moral order and the natural order, as evinced in their own lives and destinies, indicated a God supremely just. Their personal well-being they regarded as a reward for their good deeds, and that pointed to a God of righteousness.

The patriarchal concept of God, nevertheless, had its limitations, since it was based on personal experience and the observation of individual cases. A wider perception of man's destiny would have taught the patriarchs that ethical conduct and physical well-being do not always coincide. For Moses, with his broader experience of human vicissitude, the patriarchal conception no longer sufficed; the enslavement of his people did not comport with the patriarchal suppositions. There had been no moral guilt that could justify his people's oppression and suffering. For Moses, that discrepancy between the moral order and the natural order rendered the traditional patriarchal concept of God inadequate. This led Moses to the conclusion that the harmony between the ethical and the physical was not a fact but an ideal, not an actuality but a goal. In Kantian phraseology, that harmony was an idea of pure reason and a postulate of the moral law. The God of Moses was by no means a being so transcendent as to be out of all contact with man and indifferent to man. Nor was He the wise, good, and just God of the patriarchs. The God of Moses was a God that Kant would have called "an idea of pure reason." God's moral attributes are, in Kantian terminology, postulates of reason adopted for the purpose of realizing a moral law conceived *a priori*. In other words, God's wisdom and justice are not facts of experience. They are regulative ideas conceived *a priori*; they

set a goal for man's striving toward the realization of the ethical law.

This new and vital discovery is announced in having God say: "I am the Lord; and I appeared unto Abraham, unto Isaac, and unto Jacob, as God Almighty, but by My name Jehovah I made Me not known unto them" (Ex. 6.2). "My name Jehovah" signifies a "postulate of pure reason," which means an affirmation not of something that is in actual experience but of something that ought to be. This postulate makes it incumbent upon man to strive for the realization of the ethical ideal and for a social order compatible with that ideal. The ethical ideal pertains not to any empirical fact but to values that invite endless striving. The idea of God is the guarantee for the possible realization of that which "ought to be." A consequence of postulating a God of perfect justice was the endeavor of Moses to rectify the ills of his day. The patriarchal concepts would have proved unsuited. A new concept was needed to cope with the new problems. It was this new idea that imbued Moses with the overwhelming power for the accomplishment of his task. Without that postulate of a God guaranteeing the ultimate triumph of the good, Moses could not have persisted. His idea of God postulated a moral law to which everything in the order of nature could and should be subordinated. The new idea not only demanded that man's moral nature subdue his physical nature; it also bore the assurance that such subordination was possible.

In the service of the ideal, Moses invoked physical force, when necessary, and also magic. He had learnt magic from the Egyptian priests. He employed it in order to convince his Egyptian opponents and also to brace the fainthearted among his own people. His God-idea imbued him with the courage to carry on in defiance of the obstacles and adversities that blocked his way. By virtue of his God-concept and his moral self-mastery, Moses finally achieved the people's liberation. But more was needed than liberation. Moses had to elevate that enslaved and ignorant populace to higher forms of morality and understanding. Such people were they that, at the first glimpse of the enemy, they lost faith and fled. They declined

to abandon their crude habits and primitive ways. More often than not they refused obedience to the good and wise ordinances which Moses had proclaimed. To introduce law and order among such masses, to habituate them to rational and ethical standards was a super-human task. Moses devoted his life to that task. He instilled courage into the timid. In the wilderness, he tried to gratify the people's wild and greedy desires. When necessary to procure obedience, he resorted to coercion.

Moses could do this only because of his trust in Jehovah, the God who was the assurance of unending progress, through freedom, to holiness and perfection. Amid the struggles that occupied his life, Moses triumphantly preserved both physical and spiritual strength. His self-liberation through self-mastery brought to pass what is said of him in Deut. 34.7, "His eye was not dim, nor his natural force abated." This bespeaks not only a physical condition but also a moral condition.

Discussing Moses in the spirit of Critical Philosophy, Maimon vouchsafes us further insight into his world view when he contemplates the bearing of the Mosaic God-idea upon the totality of Moses' career. Moses died before reaching his goal. It was left to Joshua, his disciple, to lead Israel into the promised land. This intimates the endlessness of the ethical task. Never is the ideal fully attained. It serves but as a directive permeating human life with significance. In another connection, Maimon finds this endlessness expressed by Deut. 32.52, "Thou shalt see the land afar off; but thou shalt not go thither into the land."²⁶ The endless moral ideal must remain a regulative idea to guide man's conduct, but the realization of that ideal lies beyond time.

It is of interest to note that, when comparing Moses with the patriarchs, Maimon, in both of those instances, traces the God-idea to personal experience. Their experience of a harmony between the material and the moral yielded to the patriarchs the concept of a God who is just and wise. Discerning, through his wider experience, the disharmony between the material and the moral, Moses formulated a concept of God as a postulate

²⁶ Cf. Solomon Maimon, "Der Moralische Skeptiker," in *Berlinisches Archiv der Zeit und ihres Geschmacks*, 1800, zweiter Band, p. 271 ff.

of reason; he embraced a doctrine of God grounded not on factual experience but on a postulate of that which ought to be. The new idea was demanded by the new problems. Indeed, throughout the Bible, the idea of God evolves in conjunction with the history of the Jewish people as a part of universal history — that history, of course, as interpreted by the prophets and the sages. We recognize, in this derivation from historical experience, something that might be called “historical existentialism.”

IV. CONCLUSION

If we apply to our own time what Maimon says when he distinguishes between Moses and the patriarchs, we cannot escape the conclusion that the infinitude of our contemporary problems makes the Mosaic concept the pertinent one. Throughout the history of human thinking, the notion of God as a first cause has proved unsatisfying. Again and again people have sought a return to the God of the patriarchs.²⁷ An example would be Jehudah Halevi who subjected the philosophical idea of God to rigorous criticism and devoted himself to the cause of rehabilitating the God of revelation as the God of history and of personal experience in accordance with the conceptions of patriarchs and prophets. Much later than Jehudah Halevi, Pascal, disillusioned about the possibilities of reason, wore an amulet with the

²⁷ The example of Halevi is meant only with reference to the generally prevalent understanding of his thought. Halevi's distinction between the philosophical conception of God as an impersonal and transcendent cause of all reality, and the personal God of the patriarchs, is generally understood as anti-rationalism. In truth, however, Halevi's philosophy is not directed against rationalism as such; it is critical only of a definite kind of ratiocination. His philosophical thought is oriented not toward nature but toward history. Furthermore, he did not regard the difference between the prophecy of Moses and that of the other prophets as an essential difference. The prophecy of all of them was the result of a “divine quality.” All the prophets possessed a special sense enabling them to perceive the Divine as manifested in historical experiences. Halevi's thought can thus be characterized as historical Existentialism *par excellence*.

inscription, "The God of Abraham, Isaac, and Jacob." Likewise, in our own time, various mysticisms and various philosophers of unreason, discouraged about the rational capacity of man to attain metaphysical truth, have emphasized the difference between an impersonal God and a personal God, an "it" versus a "Thou." Such thinking betrays self-deception. The God-idea nurtured by the limited experience of the patriarchs can hardly cope with the present discord between the material and the moral, or manage our modern awareness that our problems are infinite.

In his noted essay, "Die Wissenschaft als Beruf," alluding to Gen. 25.8, "Abraham died in a good old age, an old man, and sated with years," Max Weber asserts that this could be related only of one who felt that he had lived fully and completely the totality of life-experience. Such a sense of satisfaction presupposes a finite world, for only a consciousness of the realm of experience as finite and limited could lead to a sense of full satiety. Max Weber then points out the vast difference between the consciousness of the world as finite and that of the world as infinite and the bearing of that difference upon the appreciation of man's accomplishments, upon the relation of man to life and experience, and upon the idea of the progress of science.

Now it follows clearly that what was said about Abraham could not have been said about Moses. Moses died with his tasks unfulfilled. He realized the endlessness of the moral venture, and had a consciousness of the infinite character of the ethical task. Such may have been the implication of "His eye was not dim" (Deut. 34.7). As Moses peered into the future, he felt hope and confidence that the infinite idea would ultimately triumph. But Moses was not, like Abraham, "sated with years." The concept of God as taught by Moses is the better suited to modern experience. The Mosaic idea of God is much more compatible with modern man's conception of the world as infinite and with his realization of the infinite character of the problems with which he has to cope. Thus Maimon's analysis of the Mosaic concept of God has relevancy

for our own time. It can serve as a prolegomenon to a philosophy of religion, conceived in the spirit of Critical Philosophy but in harmony with biblical sources.

To sum up: We have sought to contribute a chapter to existential thought. Each of the thinkers surveyed developed an idea of Moses in the light of his own philosophy which was in turn based upon his life experiences and bound up with his own personal existence. Each of these men lived and worked in a different climate of ideas and in a different era of culture. The dimensions and the depths of the existential tensions of each of them were different, just as their experiences as men and as Jews, their identification with Jewish existence, destiny, and thought widely differed from one another.

What we have called existential thought we would prefer to define as historical Existentialism, which is not at all the same as the Existentialism of the present vogue. Contemporary Existentialism lays so much stress on the subjective that it incurs the risk of becoming autobiography and failing to be philosophy. It misses the essence of philosophy, the function of which is to overcome subjectivity and to win objectivity. By historical Existentialism we mean philosophical ideas as affected by the philosopher's personality and his existential historical situation; that is to say, the philosophical ideas as determined by the reaction and the attitude of the personality of the philosopher toward the incentive and the stimulus received from without. But, while the philosopher's personality and the historical situation may furnish background and incentive, the thinking process itself must strive to overcome and transcend the existential in the sense of the subjective. Philosophy must promote thinking of objective purport. Since the ideas concerning Moses explicated by our three authors respectively are bound up with their experiences as men and as Jews, we may legitimately claim that this attempt to explicate the interpretations of Moses sponsored respectively by Maimonides, by Spinoza, and by Solomon Maimon constitutes a chapter in existential thought.

זה לא ידע שברונו בואר שרת אף הוא באותו הזמן את החוג השמרני. האנציקלופדיה הפרוטסטאנטית, מהדורה ב' משנת 1897 יש בה ערך על ברונו בואר ושם נזכר המאמר ההוא „היהודים בנכר” כמאמר מלא חכן הראוי לתשומת לב. אולם תגובה יהודית אחת מצויה היא תגובתו של שטיינשניידר הרושם בכרך הששי של „המזכיר”: הראוי לתשומת לב בחוברת זו של בואר הוא הנסיון העגום כיצר ליבראלי מובהק ומעיקרו בעל כשרון מובהק יכול לרדת למדרגה כזאת ולתת את עצמו לפטפוט כזה. שטיינשניידר נגש איפוא לחבורו של בואר על דרך ההערכה האינטלקטואלית, במתאים למגמותיה של האמנציפציה, בלי שידע – ובלי שיכול לדעת – את עצם החרוש שבתפיסתו של בואר מבחינת ההנמקה ובסיס הריון. הוא לא עמד גם על העובדה באיזו מדה בואר בחבורו זה והרקע שחבור זה צמח ממנו הם אספקלריה לבעיות של האמנציפציה ולתגובה עליה בעולם הלא־יהודי.

האוניברסיטה העברית, ירושלים.

לו כח העבודה הפיסי והטבע הגלמי של הכושי השחור. חסרונות אלה משלים היהודי על ידי מוחו. גודל המוח היהודי ויצר העשיה של היהודי עושים אותו קרוב לשבטים הקאוקאסיים.³⁸ היהודים הם גזע שאינו יודע תמורה ואינו יודע פגיעה על ידי תמורות הזמן ועל ידי המגע עם העולם הסובב אותם.³⁹ האמנציפציה אינה מן האפשר מן הטעם המכריע, משום טיבם הגזעי של היהודים ומשום עוצמת הגורם הגזעי בכלל, שיש לו רשומים בחייהם של העמים הגרמניים והצרפתיים, כפי שרומזים קטעי הדברים של בואר בסוגיה זו. ראוי לציין שדברים אלה של בואר נכתבו באותה שנה שבה יצאה לאור „רומי וירושלים” להס. שם כתב הס באגרת החמשה על האופי הגזעי של ההתנגדות הגרמנית ליהודים בצורה חריפה ביותר, עד שמצא צורך לתקן או למתן את דבריו אלה באגרת הסמוכה לכך. וראי שהס לא ידע באותו שעה את חבורו של בואר, שהוא עדות קיצונית לצדקת תיאורו של הס. מכל מקום אנו רואים את מהלך המחשבות של ההתנגדות לאמנציפציה של היהודים בגילויי השלם: הרעיון כי היהדות היא מחיצה בין היהודים למדינה הועתק עתה לתחום אחר, לתחום ששום הכרת דת ושום התקרבות רוחנית-דתית לא יסכנו כדי להתגבר על התחום שבין היהודים לסביבה הכוללת: תחום הגזע. הזרקתו של בואר לסמל של „כושי לבן” היא כמובן אופינית מאד להלך המחשבה כולו, ולעוצמה היצרית שמאחורי גבוש סמליסטיסמתי זה.

הנמוק הגזעי אינו צריך לתוספת נמוקים כדי לשלל את האמנציפציה של היהודים. אמנם בואר אינו מוותר על שום נמוק אפשרי כגון על נטייתם של היהודים לשקר, על תאווה הרבית, על אי מהימנותם המדינית ונכונתם לרגול, וכיוצא באלה. מבחינת מדינית: מעשית מציע בואר את השיבה להתארגנות הקורפוראטיבית של היהודים משנת 1847, כלומר שהוא מציע לחזור להצעה של ווגנר מארחו בלכסיקון שבו נכתבים הדברים על היהודים בנכר. הצעה מעשית זו היא בחינת anti-climax אחרי הדיון העקרוני ואחרי שבחריפות כזאת ניתן ביטוי לרעיון הגזעי. אולם אפשר ללמד מזה כי עדיין לא הוסקה המסקנה הקיצונית של הרעיון הגזעי: הוא נשאר משובץ בתוך המערכת השמרנית ככל שהיה בו כדי לפרץ מערכת זו עצמה.

חבורו של בואר בשנות הארבעים עורר תגובה רחבה. בואר היה באותם הימים תיאולוג ופובליציסט נודע ווראי שמכאן התעוררו כה רבים להתדיין אותו. לא ידוע אם היה הר לדבריו של בואר בשנות הששים ואם לא היה להם הר הרי זה משום ששקעה שמשו, ככל שהיה סופר פורה ביותר. עדות לכך שמשו ירדה ובעצם לא היה ידוע בחוג הרחב ימצא אדם בהערה קצרה בבטאון הפילוסופי של האגודה הפילוסופית בברלין (Der Gedanke, 1863) שם נזכר כי אחיו של ברנו בואר אדגר בואר, אף הוא סופר ראדיקאלי בשנות ארבעים, כותב עתה בעתון נחות של המפלגה השמרנית הפוידאלית לטובתו של ביסמרק. ובטאון פילוסופי זה מוסיף: מה הן השקפותיו של ברנו בואר עתה? כלומר שבטאון

.10 שם 38

.39 שם III

וליצריו. ככל שגישתו של בואר בסוגיה זו שונה מן הגישה המשמרת המבקרת את התפיסה המורדנית משום אופיה המיכאניסטי, הרי בסופו של דבר נפגש בואר גם כאן עם התפיסה השמרנית ברחית הרציונאליזמוס ומקבילתו היהודית, כלומר הריפורמה בדת ישראל.

ככל שבואר יצא בעינו הרתי והמדיני מהנחות משלו הרי בדיעבד הגיע למסקנות קרובות למחשבותיו של החוג השמרני. אולם בהבלטת היסוד הגזעי בכלל והיסוד הגזעי בויקתו ליהודים בפרט חרג מן התחום של האסכולה השמרנית. ההתנצרות שמשלה לעולם אפשרות של כניסה לתחום של החברה הכוללת כפי שאנו לומדים מרעיונותיהם אף של השמרנים הקיצוניים. אולם כבר בשנות החמשים נזקק בואר להנמקה גזעית. הגרמנים קרי Germanen הם עם האצילים של ההיסטוריה האנושית, אמר בואר בשנת 1853.³³ מבחינה זו נועד לגרמנים חפיד היסטורי כי הם רואים את המדינה כנוצרת על ידי העם, ואינה מתת אלהים כדרך שסוברים הרוסים, שהם מצד זה העם השרוי עדיין בתפיסה של העולם הקדום.³⁴ ומצד אחר: המהפכה הצרפתית, שלה מתנגד בואר משום אופיה המורדני, היא התעוררות של „הדם הרומי-הנאלי“.³⁵ נמצא, זעיר שם זעיר שם, מבליע בואר את היסוד הגזעי לתוך דיוניו בשאלות הזמן. אולם בדיונו בשאלת היהודים על רקע הזמן הוא משווה ליסוד הגזעי את מעמדו המרכזי. בעצם מסביר בואר את הפרישה של היהדות, שהיתה נירונה בפולמוס האמנציפציה, כפרי ההכרה הגזעית והאופי הגזעי של היהודים. היהדות אחרי מפלת בריכוכבא עומדת על ההערכה ועל השמירה של טהרת הדם של היהודים. העקשנות היהודית, ההסתגרות היהודית, כל אלה אינם אלא גילויים של השמירה על הטהרה הגזעית של היהודים.³⁶ נמצא שמבחינה זו קבל בואר את רעיונם של מתנגדי האמנציפציה ווגר בתוכם על הפרישה של היהודים מן העולם, אלא הוא בא להסביר פרישה זו באמצעות המושגים הגזעניים. מה שהאחרים הסבירו כנתון תיאולוגי, כקודמות של היהדות בחינת אמונה, מסביר עתה באור כנתון גזעי – ובזה חדושו העיקרי ובזה הוא רומז לשלב הבא של ההתנגדות ליהודים בתוך העולם המורדני. הגזע היהודי הוא הגבול להתקרבות בין היהודים לעולם משני הכוונים: הגרמני והנוצרי עשויים להתייחד, אך אין הם עשויים להעשות יהודים, כי לעולם עומדת בינם לבין היהודים מחיצת הדם והגזע ומחיצת המזג האנושי.³⁷ השבט היהודי דם אחר זרם בעורקיו מאשר הדם שבעורקי העמים הנוצריים של אירופה. וגוף אחר נושא בתוכו מבנה אחר, רגשות אחרים ותאוות אחרות. אף נשיתם של היהודים לגרורים היא תכונתם הגזעית. היהודי בעולם אינו אלא „כושי לבן“ וכנוי שדרך אגב השתמש בו לפי עדות אחת מארכס באגרתו לאנגלס בבאו לתת סימן היכר לאופיו של לאסל), אלא שחסרים

³³ Russland und das Germanentum, p. 23; אמנט מצוי גם הסוס לגבי היסוד הגזעי,

עיי' Zur Orientierung über die Bismarck'sche Ära, 1880, p. 315.

Russland etc., p. 24 ³⁴

Das Judentum in der Fremde, p. 2 ³⁵

³⁶ שם 29.

³⁷ שם 8.

אולם בגבולות המציאות ההיסטורית הנתונה הרי מדינה בעלת סמכות דתית-נוצרית היא השלב העליון של החיים הצבוריים. לפיכך מתנגד בואר, כמו שהתנגד ווגנר והאסכולה הטראדיציונאליסטית בכלל, לרוחה של התקופה המודרנית. תקופה זו יש לה שני אידאליים: פולחן הממון והאינדיבידואליזם. מצד אחד, וזה רק המשכה של הרוח המודרנית, מעלה תקופה זו את האידאלי הסוציאליסטי של „מולך המדינה“ הכולע בתוכו את כל אמצעי הייצור הפרטיים לטובת הקנין הקולקטיבי של הכלל.³⁰ מבחינתה של הרוח המודרנית ההבדל בין היהודי לנוצרי אין לו חשיבות כלל. סיסמתה של התקופה החדשה הוא חפש האמונה, חפש המביא אותה אף לחפש מכל אמונה.³¹ נמצא שבואר מגיע בדיעבד למסקנותיה של האסכולה השמרנית לגבי טיבה של המדינה המודרנית, אף כי הנחותיו שונות מהנחותיה של אסכולה זו. בבקרת המדינה המודרנית ומגמותיה קשור בואר, לקוויהיסוד של התפיסה השמרנית והוא גורס את „המדינה הנוצרית“ כהסדר המדיני הטוב ביותר בדיעבד.

טענותיו של בואר נגד הריפורמה בדת ישראל הן טענות שמרניות, ברוח טענותיו של ווגנר אם כי גם כאן שונה הטון. שתי טענות שהן אחת טוען בואר נגד תנועת התקונים בדת ישראל: א. תנועה זו מנסה באופן מלאכותי, „תעשיתי“ לחולל שנויים בדת ישראל. ב. תנועה זו שואבת את השראתה מן הראציונאליזמוס ותנועת ההשכלה באירופה. החמר שממנו שאבו „הפאבריקאנטים“ של הריפורמה בצורה שטחית היה מצוי בזרמים הדיאליסטיים והראציונאליסטיים שבתוך העולם הנוצרי.^{31a} ברור שבואר שולל עתה את המגמה הראציונאליסטית בכלל והוא שולל את השלוחה היהודית של מגמה זו. יתירה על כן: מגמה זו כבר אבד עליה כלח. הטלאים של תקופת ההשכלה, אותם הטלאים שהעולם הנוצרי כבר השליך אותם מאחורי גוו, הם האריג שממנו רוצה הריפורמה היהודית להתקין את צורתה החדשה של היהדות בחינת „דת עולם“, כלומר את היהדות במשמעה האוניברסאליסטי.³² עקרונות מבקר בואר את המגמות הראציונאליסטיות ואת ביטוייהן המדיניים, משום שלפי דעתו מגמות אלה קשורות במחן סמכות מכרעת ל„אדם הטבעי“, לאדם כמות שהוא, בלא שאדם זה יהא זקוק וחיב בעצוב עצמי על דרך ההתעלות של הרסון הסטואי. המגמות המודרניות בחיים המדיניים מבקשות לשנות את הצורה של החיים המדיניים והן משאירות את האדם כמות שהוא. מבחינה זו קרובה בקרתו של בואר את התקופה המודרנית לבקרתו של מארכס, אשר בחבורו נגד בואר משנת 1843 טען כי המדינה המודרנית משום שהיא הסירה את המעצורים המדיניים הציגה קבל עם ועדה את האדם כמות שהוא בפועל, כלומר את האדם האיגואיסטי. בואר שולל איפוא את המגמות המודרניות שבחיים המדיניים כי בעצם מסתתר מאחוריהן ההמון התובע סמכות לעצמו

³⁰ שם, שם.

³¹ שם, שם.

Das Judentum etc., p. 49 ^{31a}

³² שם 48.

למרות היחס הסבוך והאירוני, לפרקים, כלפיה טובה אף היא. בעינו נשאר הסטואי הכמוס בתוך עולם הקיסרות הנוצרית. כסטואיקן וכנוצרי בעל כרחו מתנגד בואר ליהדות המנוגדת לשתי המערכות הרעיוניות כאחת. היהדות היא האופוזיציה החותרת והרגומת נגד הנצרות.²⁴ בנגודה לנצרות היא עומדת על רמה אחת עם השותף האלילי שלה והשליחים הנוצריים ידעו את החזית הכפולה הזאת של הנצרות: הבשורה של הצלוב היתה אילנות בעיני העולם היוני והיא גורם של רוגז לגבי העולם היהודי.²⁵ וברמות הרוגז נשאר היהודי בתוך העולם הנוצרי, כיהודי "בנכר" ורוגז זה הוא המפרנס את "הלך הרוח המהפכני" של היהדות נגד הנצרות ונגד סדר העולם הנוצרי.

ער כאן הצד האחר שבתפיסתו של בואר, הצד ההיסטוריוסופי, אם מותר לקרא לו כן. יש גם צד אחר הקשור בבקעת המדינה ובעית המדינה הנוצרית במיוחד ואף הוא מרובה פנים. בעצם הגדרת המדינה אין בואר הולך אחרי התפיסה של המדינה הנוצרית: המדינה היא שותפות משפטית ואנושית, אשר ברגיל יסודה בלאומיות מסוימת. אולם בואר מבקש, לפחות בחבור תיאולוגי-מדיני אחר, להפריד בין הרשות המדינית לרשות הדתית, בטענה – ואינו חש באיזו מדה הוא חוזר בזה על רעיונותיו של מנדלסון – כי בעוד שהמדינה היא רשות מוסרית-חוקית הרי הכנסיה היא רשות מוסרית-דתית.²⁶ יתירה על כן: עקרונה של הנצרות הוא זה שמפרידים בין הרשויות, בעוד שהיהדות והאלילות טשטשו את התחומים בין הרשויות. היהדות הבליעה את הרשות המוסרית-הדתית ברשות המוסרית-החוקית ואילו האלילות הבליעה את הרשות המוסרית-המשפטית בתוך הרוח הדתית. עם כל זה הולך בואר בתקופה זו אחרי התפיסה המשמרת: בעוד שבתקופת הנעורים בקש לכוון מדינה על בטולה של הדת וטענתו נגד האמנציפציה היתה בין השאר במה שהיא מקפאה הברלים דתיים ואינה מסייעת לכוונה של מדינה העומדת ברשות עצמה, הרי עתה – למרות ההפרדה בין הרשויות – הוא רואה את סמכותה של המדינה כסמכות הטבועה "בסדר האלהי".²⁷ מכאן הוא מסיק מסקנות משפטיות מסוימות לגבי זכותה של המדינה לחבוע מן האוצר שבועה. על כן מדינה ללא סמכות אלהית היא מדינה ללא בסיס. המציאות האירופית מצויה בה הזיקה בין המדינה לבין "הדת המושלמת ביותר הידועה לנו".²⁸ גם בתקופת הנעורים היתה הדת הנוצרית המושלמת ביותר, לפי שהיתה בנויה על זהות האדם והאלהים. אולם ככל שהיתה הנצרות מושלמת אז היתה בכל זאת "דת" ובחינת דת דינה היה לבטול. עתה מקבל בואר רק את הרישא של רעיונו על הנצרות כדת מושלמת בלי לחפץ עוד לבטלה. אמנם "מדינה נוצרית" במובן האמתי של מושג זה לא תקום לעולם ב"איוון" זה,²⁹

Das Judentum etc., p. I ²⁴

שם, שם. ²⁵

Der Eid, p. 76 ²⁶

שם 77. ²⁷

שם 78. ²⁸

שם, שם, 82. ²⁹

גם שעת הכושר להתעוררות חדשה, כי בעמקי התהום טמונים גרעינים של עולם חדש. אולם להתעוררות זו אפשר לצפות רק מאותם העמים שיש להם ענין במצבו של העולם, כלומר מן העמים הנוצריים.²⁰ בענין זה רואה בואר את תפקידה של הנצרות תלוי בכך שהנצרות היא דת היסטורית, שענין לה בחייהם של העמים ואינה דת אנטי היסטורית, המסתגרת ממהלך המאורעות והשוקעת בתוך עצמה, כפי שבואר ראה את היהדות. רק דת שנתקשרה בגורלם ההיסטוריהממשי של העמים עשויה למלא תפקיד בונה במשבר האימפריאלי של העולם. העמים הנוצריים צריכים לגלות ענין ולב כלפי ההיסטוריה כפי שגלו לה ענין ולב עד כה, אולם הם צריכים לעלות על „הספקולאנטים” בכחם הפלאסטי ובכח ההפשטה שלהם למען התפקיד ההיסטורי הנועד בשבילם.²¹ אף על פי שבמקום זה אין היהודים נזכרים במפורש הרי רמז ההתנגדות ל„ספקולאנטים” הוא ברור מאד. ככל שהיהודים קשורים להתעוררוהם של העמים השונים כמו באנגליה ובצרפת הרי הם מבאישים את ריחם של עמים אלה וממשלותיהם משום שהם מעוררים את הרשם שהתעוררות זו היא ענין של „ספקולאנטים”. היהודים מבאישים את ריחה של התעוררות החדשה של ה„קיסרות”.²² מבחינת התפיסה ההיסטורית רואה איפוא בואר הקבלה בין העולם העתיק לעולם המודרני: הוא תולה את תקוות האנושות ב„קיסרות”, כלומר בטפוס זה של השלטון שמיצנו היה מרקוס אוירליוס, שלטון של קיסר סטואי הקשור למהלך העולם מתוך הכרתו הסטואית הפורשת מן העולם אל ההתכנסות הפנימית. דומה שבואר ראה את עצמו סטואיקון זה, העוסק במאורעות העולם מתוך התאפקות סטואית כלפי עצמו. מכל מקום על רקע הסביבות הפנימיות של האידיאולוגיה שלו – על הצד הנפשי והביוגראפי קשה לדבר כי אינו ידוע – הוא בא לשרת את ההתעוררות הקיסרית של גרמניה ואת החוג השמרני, ובתורתו על היהודים כבר רומז לשלב הבא של התעוררות הזאת, אל מעבר מגרמניה של ביסמארק אל גרמניה של היטלר. על כל זה אין אתה יכול להמנע מן הרשם שהרבור בשם הנצרות כמו בקונטרס על שאלת היהודים וכן במקומות אחרים אינו בלתי בעיתי. בספר הזקונים על השבועה, כאשר בואר רן בעמדתו של הנצרות כלפי השבועה בתוך המדינה ומעלה ברברני שבח גדולים את עמדתו של פאלוס המבטל את המילה ומקים אותה בגופו הוא מסיף, איזו רחבות לב ואיזו חירות של רוח באות כאן לידי גלוי.²³ אין אתה יכול להמנע מן הרשם כי הרברים נאמרו מתוך שמינית שבשמינית של אירוניה ומשהו אירוני נשאר בעמדתו של בואר כלפי הנצרות גם כשהוא נלחם בשמה נגד היהדות. ודאי שמבחינה פולמוסית המצב ברור: בפולמוס נגד היהדות, כיסור מחשבה מתמיד וחוזר וניעור בהגותו של בואר, כל האמצעים כשרים וההסתמכות על הנצרות

Russland und das Germanentum, p. 102 ²⁰

²¹ שם, שם.

²² שם 102–103.

²³ Der Eid, 1884, p. 72

היסוריות בין האדם לאלהים. עמדתו החיובית היא תוצאה של זווית הראיה האחרת, היא הרבונות של האדם כלפי מהלך העולם, רבונות על דרך הפרישה והרסון העצמי. מקומה של היהדות נכבשה של הנצרות, אפילו של הנצרות במובנה זה, הוא בעצם גורם המפריע את בואר מלחודרות עם הנצרות הזדהות שלמה.

שיבה זו לנצרות באמצעותה של הסטואה יש לה השלמה מצד אחר. התקופה הזאת, המחצית השניה של המאה הי"ט או אולי העולם המודרני בכלל, יש בהם הקבלה לרומה בימי צמיחתה של הנצרות והאחוזות הנצרות בתוכה. על ההקבלה בין הזמן הזה לבין רומה של הקיסרים רבר בואר במפורש בחבור משנת 1880¹⁵ אולם הקבלה זו משתמעת גם ממה שנאמר מכללא. שעה שבואר מדבר על התגבשות עולמו הפנימי של האדם בימי הקיסרים הרומיים כעולם שאינו תלוי במהלך המאורעות הרי הוא מוסיף תיבה רבת משמעות: לעולם קורה כך, חמיד עולה עולמו הפנימי של האדם בצד התגבשותו של השלטון הצבאי הצנטראליסטי ובצדה של התמוטטות האלילים הקודמים.¹⁶ כלומר שפרישה זו ממהלך העולם אינה רק קו אופי של התקופה הקיסרית הקודמת אלא היא קו אופי של התקופה הקיסרית הנוכחית. אולם הקבלה זו יש לה גם גוון שלילי: מקומה של היהדות בתקופת השקיעה האימפריאלית. כאז כן עתה עולים היהודים במעמדם ובתפקידם החברתי והמדיני. "האל האחד היהודי חגג נצחון רגעי על חורבותיהן של מדינות עתיקות ואריסטוקראטיות". ובמקביל לזה עתה עולה חשיבותם החברתית של היהודים בעולם המודרני.¹⁷ בעולם רווי בעיתיות רחית – כך אפשר לפרש את תפיסתו של בואר – עלו היהודים מבחינה דתית ואילו בעולם רווי בעיתיות חברתית, הוא העולם המודרני, עולים היהודים מבחינה חברתית. בעולם המודרני הגם היהודים יורשיו וממשיכיו של המעמד הבורגני הרומי שלא התנצר וכדרך המעמד ההוא הם לוקחים חלק פעיל "באי השקט האזרחי של הזמנים החדשים".¹⁸ יחסו של בואר לעולם הקדום הוא יחס כפול: מצד אחד צר לו לבואר על שעולם זה נכבש על ידי האל היהודי; אך מצד אחר הוא רואה את הרקע הפנימי והחברתי לכבוש זה. אולם יחסו לעולם ההווה הוא חדימשמעי מכל וכל: עדין אין לראות בעולם זה את ההתנגדות לעצם השקיעה ואת ההתנגדות לעלית מעמדם של היהודים המלווה שקיעה זו. בואר עצמו מבקש לתת רחיפה לעולם המודרני לקראת התנגדות זו ליהודים על דרך ההקבלה למעשיהם של קונסטאנטינוס וארקאדיוס בעולם העתיק אשר בקשו להגן על העולם העתיק ועל הנצרות כרת הלגיטימית מתוך התעוררות ההרגשה העצמית הנוצרית.¹⁹ שקיעה חברתית ורוחנית זו היא

Zur Orientirung über die Bismarck'sche Ära, 1880, p. 2^{15a}

Russland und das Germanentum, p. 100-101¹⁶

שם, שם.¹⁷

Das Judentum etc., p. III¹⁸

שם IV.¹⁹

הפרישה הסטואית האדישה. אולם ביסוד הסטואיהפורש הזה תלויה גם ההערכה החדשה של הנצרות, כמות שמופיעה אצל בואר בשנות החמשים והששים, ואף הבנה זו היא רקע מפרנס את ההתנגדות הקיצונית ליהדות וליהודים.

חבוריו התיאולוגיים של בואר משנות הארבעים היו מוקדשים לברור מקומה של הנצרות על רקע ההתפתחות של התודעה הדתית ולברור היסטורייתאולוגי של התהוות האבנגליונים מתוך מאמץ לחשף את המוטיבים של התודעה הדתית של העדה הנוצרית הקדומה. חבוריו בחקר הנצרות בשנות החמשים והששים יש להם כוון אחר: בואר בא לחשף את המקורות של הנצרות בתוך העולם העתיק, בתוך העולם של האלילות היוונית והרומית דוקא ולהראות את הרציפות ההיסטורית בין העולם העתיק לבין הנצרות. הגורמים היהודיים שמשו לכל המרובה מתווך בין שני העולמות אך אין הם הקרקע האמתי לצמיחתה של הנצרות. הנצרות היא גידול של הסטואה, ביחוד ברמות שאסכולה זו לבשה אצל סנקה, אלא שמעבר זה מן הסטואה לנצרות נסתיע באילו מן הרעיונות של פילון האלכסנדרוני שהובאו לתוך העולם הרומי על ידי יוספוס. הנצרות היא בעצמו של רבר פרי גידול וכליה של העולם הקדמון. המחברים של אגרות פאולוס החליפו את הגוף העולמי של הסטואה שבו נקבע מקום לכל אדם ולפעלו, בנופו של בן האלהים שאבריו הם בני העדה המאמינה.¹¹ ברומה השוקעת היה מצוי קרקע דשן למעבר זה לנצרות ולרעיון בטול העולם על ידי גאולתו.¹² האיש הרומי אשר שדר את העולם החל מואס בו; הוא החל מרגיש כי העולם ראוי לעונש.¹³ עמדתו של בואר כלפי הנצרות מבחינת הבנת שרשיה היא כפולה: הוא קרוב לעצם המגמה הנוצרית של פרישת האדם מן העולם על ידי העלאת העולם הפנימי לעומת העולם החיצוני הגלוי לעין. בזה הוא רואה את הקרבה בינו לבין הנצרות, או בינו לבין הנצרות שממקורה הסטואה. אך לפי שהוא רואה את התפיסה הסטואית בגלגולה הנוצרי כשקורה ביוספוס שהביא לרומה את רעיון אחדות העולם (שהוא רעיונו של פילון) ואת רעיון השלטון של אלהים על פני העולם כולו,¹⁴ הרי הוא מעריך בכל זאת את הנצרות כפרי הנצחון של היהודים שהשתלטו על מנצחיהם הרומיים שלטון רוחני משלא יכלו להם מבחינה מדיניתצבאית.¹⁵ אולי אפשר לאמר כי נתוח זה של התהוותה של הנצרות מבחינת שרשיה בעולם באשר היא לגלגול של הסטואה, שאליה הוא קשור. הקשר שלו לנצרות מבחינה זו הוא קשר לסטואה ולא לנצרות. עמדתו החיובית של בואר כלפי הנצרות אינה תלויה עוד – כמו בשלב הקודם של עיונו התיאולוגי – בעובדה שהנצרות היא השלב הגבה ביותר בהתפתחות התודעה הדתית, משום שהיא עומדת על הקרבה והזהות

Christus und die Cäsaren; Der Ursprung des Christentums aus dem ¹¹ römischen Griechentum, 1877, p. 329

Philo, Strauss und Renan 1874, p. 58 ¹²

שם, שם. ¹³

Das Judentum in der Fremde, p. 29 ¹⁴

Christus und die Cäsaren, p. 184 ¹⁵

של היהודי מן העולם. ההבדל בין בואר לוונגר הוא ודאי הבדל ספרותי: דבריו של בואר מנוסחים בעוצמה לשונית וסגנונית גדולה בהרבה מזו של וונגר. ההבדל הוא גם בטון: דבריו של וונגר נאמרים בנחת, דבריו של בואר נאמרים מתוך התפרצות אפקטיבית חזקה. והבדל אחרון זה רומז להבדל שבגישה, כפי שיתברר להלן.

אולם ברור העמדה החדשה בשאלת היהודים מצריך ברור קצר של העמדה הפילוסופית והמדעית של בואר בתקופה שאנו דנים בה. הקו החיובי של בואר כסופר ראדיקאלי בשנות הארבעים של המאה הי"ט היה בהעלאת היסוד של התודעה העצמית של האדם כעצם היסוד של הקיום האנושי. לעומת מסבות החיים, לעומת המציאות ההיסטורית, מקיים האדם את עצמאותו ואת רבונותו בתוך התודעה ובעזרתה. רומה שיסוד קדום זה מחזיק בו בואר גם בתקופתו המאוחרת, אלא שהוא נוטה לזהות אותו עם רוגמאות היסטוריות קדומות ובראש וראשונה עם הרוגמה של הסטואה. בעצם רואה את עצמו בואר הזקן כחכם סטואי הפורש מן המציאות והמתגבר עליה בכח תודעתו המלאה. יסוד זה שבמשנתו בא לידי גילויים שונים, לרב בין השיטין, בכתביו המאוחרים. הוא רואה בחבורו שיצא לאור בשנת 1853 והמוקדש לברור שאלות הזמן את המבצע האנושי העליון ביותר על כל רצון ורק ויתור זה הוא הנותן לאדם את השלטון ואת האדנות המלאים על העולם. התיבה „לא כלום“, כלומר היתור על רצון חיובי כלשהו חזרת פעמים אחדות, והיא באה להבליט את הנירוואנה הארצית, אם מותר צירוף זה, המציינת את תפיסתו של בואר. ובלשון אחרת מבטא בואר את אותו היסוד שבהגותו: יעודה של „האישיות המלכותית“ הוא ליישב בין המגמות וצורות החיים השונות שבתוך החברה. במקביל לזה יהיה זה יעודו של „האדון המלכותי שמפללים אליו“ למתן את עצמו ולרסן את היצרים הטבעיים.¹⁰ קימת עוצמה של עולמו הפנימי של האדם ועוצמה זו היא הפותחת דוקא את העתיד לאנושות.

מוטיב זה של הפרישה הסטואית מן העולם הובא כאן לא לשם נתוח תפיסתו הפילוסופית של בואר, אלא לשם נתוח הרקע לנישתו החדשה ליהדות וליהודים מבחינת מקומם במדינה. אמנם אפשר לאמר כי מוטיב זה יצר את הרקע הניהילסטי שבתפיסתו של בואר, את אותו הרקע של אדישות אחרונה למאורעות העולם שאולי הניח לו לסופר ראדיקאלי לעבר מן ההגות התיאולוגית-המהפכנית להגות שמרנית-זוענית. עם כל העניין במאורעות הזמן, ועל ענין זה מעידים החבורים הרבים שבואר כתב בשאלות אלה, הרי בסופו של דבר קים האדם הסוברני שבכח תודעתו חי את חייו מחוץ למעגל החיים הממשי. ודוקא רקע סטואי, סטואי-ניהיליסטי זה, מזין את הגישה האנטישמית הקיצונית, כאילו כדי לשמש עדות לעוצמה של ההתנגדות ליהודים הפורצת אפילו את השריון של

Russland und das Germanentum, 1853, p. 121⁶

Freimaurer, Jesuiten und Illuminaten in ihrem geschichtlichen Zu-¹⁰

sammenhange, 1863, p. 125

השמרנית, והרעיונות העיקריים המנוסחים כאן קרובים לרעיונות שוונגר פרסמם בשמו. אולם נראה כי בואר במאמרו על היהודים בנכר⁴ חרג מעבר למערכת המושגים השמרניים וחבורו, שהוא ערך מקיף בתוך הלכסיקון, מסמן שלב חדש בדיון במהותה של שאלת היהודים.

בואר מוכיר אנב אורחא את חבורו הקודם משנת 1843 על ידי כך שהוא מוכיר מחברים שנתדיינו בשאלת האמנציפציה של היהודים. אך מאלף הרבר שאין הוא מוכיר כי מחברים אלה, כגון שמואל הירש, כתבו את אשר כתבו כתגובה על ספרו הוא. אפשר שאי הזקקות מפורשת לחבורו הקודם מעידה על המפנה שחל בתפיסתו של בואר עצמו, שמסופר ראדיקאלי הנמנה עם האגף השמאלי של האסכולה ההגלית התגלגל לסופר המשתתף בחוג השמרני של מדינת פרוסיה. אולם כמה מן היסודות שהיו מצויים בהערכתו את היהדות בחבור הקודם מצויים גם בשלב זה ואפילו הטרכמינולוגיה היא אותה הטרכמינולוגיה. נבליט נקודות אחרות: א. החוק היהודי לא היה מעולם חוק שנהגו על פיו, הוא לא היה חוק חי. היה זה חוק "חימירי" כפי שקרא לו בואר בחבור הראשון וכפי שהוא חוזר וקורא לו בחבור זה. התלמוד לא הסכים לוותר אף על אות אחת בחוק הכתוב; הוא שימר את החוק הכתוב בצורה סופיסטית וראציונאליסטית, אולם עשה כן משום שהחוק נשאר בגדר של אות מתה הקימת בתוך עצמה ללא זיקה לחיים וללא הכוונתם.⁵ ב. סימן ההיכר של היהדות היא הרבקות הקיצונית בעצמה. לעולם, בכל תמורה, מבקשת היהדות את הישן בלבד, היא מבקשת את דמותה הישנה היא. עמים אחרים משנים במרוצת ההיסטוריה את דמותם. רק היהודי שומר בעקשנות את רמותו. על כן אין היהודי בגדר של יצור היסטורי, אלא הוא יצור טבעי. רצינותו של היהודי היא רצינות של משהו מוגמר, רצינות של יצור טבעי בלבד, זה שאין בו תמורות איכותיות. היהודי נשאר לעולם בגיל הילדות וניחא לו בגיל זה, משום שהעקשות התלמודית מפרישה אותו מן המהלך ההיסטורי.⁶ ג. מצב זה של יהודי בעולם, שהוא פורש ממנו ואינו מסוגל להבינו כי עולם זה נתון בתמורות מתמידות, מצב זה יוצר את המרירות ואת הגאווה המציניות את היהודי. היהודי הוא גאה בחינת יהודי אך עם זה הוא בוש בכך שהוא יהודי ושהוא קרוי יהודי.⁷ בפסוקים דומים למה שאמר בחבור משנת 1843 אומר גם עתה בואר כי אין לראות את הסבל היהודי בעולם כענין טראגי; כי היהודי אינו גבור היסטורי; לכל המרובה הוא מתמרמר.⁸ כאמור אלה הם יסודות שבהם קשור נסוחו של בואר עתה לנסוחו הקודם; אלה הם יסודות שבהם קרוב בואר להערכה של וונגר בחבורו הוא, ביחוד במה שנוגע לפרישה

⁴ אני מצטט לפי החדשים: Das Judentum in der Fremde von Bruno Bauer, Separat-Abdruck aus dem Wagener'schen Staats- und Gesellschafts-Lexikon, Berlin 1863. פרופסור ג. שלום הפנה את תשומת לבי לחבור זה.

⁵ שם 28, 33, 35.

⁶ שם 18.

⁷ שם 3.

⁸ שם 17.

נוכל לסכם את המגמות העקרוניות שבדברי ווגנר באמר: ווגנר בא לשלל את הזכות לאמנציפציה משתי נקודות ראות משלימות זו את זו: א. מנקודת ראות המדינה, לפי שהוא חושף את ההנחות של מדינת המשפט המודרנית ושולל הנחות אלה. ב. מנקודת ראות היהדות, לפי שהוא רואה את היהדות כשות קבועה ועומדת שאינה בת תקונים על ידי יהודים ברור הזה. היהדות היא לעולם מחיצה בין היהודים למדינה האמתית, היא המדינה הרתית-החיובית. ווגנר בא איפוא לשמט את הבסיס לתנועות המודרניות ביהדות הן מבחינת תנועת האמנציפציה במובן הצר של המושג הזה והן מבחינת תנועת התקונים בדת, כתנועת-אחות המסייעת לתנועת האמנציפציה. אגב דבקוהו ברעיון המדינה הנוצרית הוא מסייע לחשף את הרקע הרעיוני של תנועת האמנציפציה ומבחינה מיתודית חשובים דבריו משום שהם משלימים על דרך השלילה את הידוע על דרך החיוב מתעודותיה של תנועת האמנציפציה עצמה.

ג. מן העמדה המשמרת לעמדה הגזענית

ברוגו בואר חזר לדון בשאלת היהודים ומקומם במדינה במסגרת הספרותית של הלכסיקון המדיני-החברתי שבעריכתו של הרמן ווגנר, אשר הכרך הראשון שלו יצא לאור בשנת 1859.¹ המסגרת של לכסיקון זה היא מסגרת שמרנית ברורה, כפי שמעידה על כך ההקדמה וכפי שמעיד ביחוד המאמר הפרוגראמאטי הניתן בראש הכרך הראשון כ, "א"ב" מדיני של החוג המוציא לאור לכסיקון זה. גם ההקדמה וגם המאמר הפרוגראמאטי כתובים ברוחה של "המדינה הנוצרית". הנצרות צריכה להיות לקו המדריך בכל שטחי החיים והפעילות. המאמר הפרוגראמאטי המבליט את העיקרים המדיניים והחברתיים של הנצרות נזקק בעקיפין גם ליהדות. הנצרות – נאמר שם – העמידה את החיים על עולמו הפנימי של האדם. בה עלתה ההכרה העצמית של האדם הפרטי, ובוה מנוגדת הנצרות ליהדות שעיקרה בהכרה העצמית הצבורית-הלאומית.² אולם דוקא הפנמה זו של העולם מעוררת את השאלה של מקום המדינה במערכת החיים של האדם. המאמר הפרוגראמאטי מורע את הקושיה הפנימית הזאת של התפיסה הנוצרית והוא מבקש להסיר אותה על דרך התפיסה השמרנית: המדינה יסודה בעיקרון הסדר הנגלה לעין הכפוף מצדו לסדר של האל שאינו נראה. יסודה של המדינה הוא בקיומו של הסדר בתוך העולם הזה תוך ציפיה לסדר של העולם שלעתידי לבא. מבחינה זאת יראת אלהים וכבוד הקיסר משלימים זה את זה.³ מכל מקום אין התכנית של הלכסיקון ותכנית החוג העומד מאחוריו חורגות מעבר למסגרת של המחשבה

Neues Conversations-Lexikon, Staats- und Gesellschafts-Lexikon, In ¹
Verbindung mit Deutschen Gelehrten und Staatsmännern, herausgegeben
von Hermann Wagener, Erster Band, Berlin 1859.

² שם 18.

³ שם 24.

מונסח רעיון זה באמרו כי לא יהיה בה במדינה נתוק מן העבר של המדינה בחינת בטול הבסיס הנוצרי והיסודות שקבלו את אשורם ההיסטורי של החוקה.²³ בהתנגדות זו למדינה המודרנית ולאמנציפציה כגולויה המדיני באה איפוא לידי ביטוי ההתנגדות המשולשת למדינה החילונית, למדינה של משפט הטבע ולמדינה שאינה היסטורית בהנחותיה.

ווגנר בא להסיק מסקנות הלכה למעשה מתפיסה כללית זו לגבי מקומם של היהודים במדינה הנוצרית. בענין זה נראה שאין הוא הולך בדיוק אחרי רעיונותיו של יוליוס שטאהל. ביחס ליהודים שבמדינה הבחין שטאהל בין זכויות מדיניות ואזרחיות: הוא שלל מבני הדת הלא נוצרית את הזכויות המדיניות כלומר את הזכות להשתתפות פעילה בפונקציות של המדינה. זכות זו ניתנת רק למחזיקים בדת המדינה. לעומת זה הוא הסכים למתן זכויות אזרחיות, כזכויות להגנה מצד מדינה על חיי האדם וקנינו.²⁴ נוסף על זה הסכים למתן הזכות לפולחן הדתי המשותף ולשמירה על הדת בתחומי הפרטי של האדם.²⁵ היתה בזה התנגדות ברורה לתביעותיה של האמנציפציה אשר בקשה את ההאזנות בתחומה של המדינה רוקא ואפילו טענה בשם ההשוואה בין המעמד הממשי של היהודים בתוך החברה למעמדם המדיני בתוך המדינה, כי הזכויות המדיניות צריכות להלם את הזכויות החברתיות הממשיות. אמנם ווגנר שולל את רעיון שיוון הזכויות המדיניות כדרך ששולל אותו שטאהל: זכויות מדיניות שוות ללא שותפות, כלומר ללא קשר סוציאלי, תהיינה לעולם כמו בנין ללא יסוד וללא מלט.²⁶ כלפי היהודים הפורשים מן העולם והמוכרחים לפרש ממנו בתקף יהדותם יש לנהג בחסר וברחמים ולא בגאווה ובאכזריות.²⁷ אך המדינה צריכה לנהג כלפי כל אדם כמות שהוא, כמות שהוא עצמו נותן את עצמו. ועל כן מציע ווגנר את עיקרון ההתאמה בין הזכויות והחובות תחת העיקרון האמנציפטורי של שיוון הזכויות והחובות: תמורת כל חובה את הזכות המתאימה לה, ובמקום שאין זכות אין חובה מתאימה לה.²⁸ תנועת האמנציפציה תבעה את השיוון הכולל, שיוון בזכויות ובחובות ולפרקים טענה כי במקום שמוטלות על האדם חובות שם מגיעות לו זכויות. היא תבעה לעצמה חובות במקום שלא הוטלו, כמו במקרה של חובת השרות הצבאי בימי פרידריך וילהלם הרביעי. ווגנר מבקש לפגש טענה זו: הוא מחליף את השיוון בסימטריות של זכויות וחובות. במקרה זה אנו עוברים מן התחום העקרוני המופשט לתחום של בדיקה קונקרטית של חובות קונקרטיות הנגזרות אחריהן זכויות מתאימות. מבחינה היסטורית ממש מבקש ווגנר לחזר לחוק משנת 1817, הוא חוק ההתארגנות של היהודים על בסיס של קורפואציה בתוך המדינה.²⁹

²³ Johannes Ziekursch: Politische Geschichte des Neuen Deutschen

Kaiserreichs I, p. 68

²⁴ עייין: Bernhard Michniewicz: Stahl und Bismarck p. 67

²⁵ עייין: Gerhard Masur: Friedrich Julius Stahl, Geschichte seines Lebens,

Aufstieg und Entfaltung 1802-1840, p. 231

²⁶ ווגנר שם 59.

²⁷ שם 68.

²⁹ שם 29.

²⁸ שם, שם.

לרעיון מדינת המשפט המודרנית שולל את הריפורמה מכל וכל. הוא רואה קשר סבתי בין הריפורמה לאמנציפציה, אלא מתוך שהוא יוצא מן הבסיס הרוחני של החיים החברתיים בכלל – אותה התפיסה שמיצגה הבולט ביותר במאה הי"ט היה דונוסו קורטס** הספרדי המתנגד הקיצוני למדינה המודרנית – הוא רואה את הריפורמה כסבה ואת האמנציפציה כמסובב. אמנם אפשר לראות יחס זה בכוון הפוך דוקא: בעוד שתנועת האמנציפציה היתה תנועה להשגת מעמד של שוויון מדיני בשביל היהודים במדינה, היתה תנועת התקונים תנועה שמבחינה רתית וארגונית-מוסדית בקשה ליצור את התנאים למעמד השוויון במדינה; מבחינה זו היא השלמה לאמנציפציה ולא סבתה. אך אין נפקא מניה: העיקר הוא בזה שגם תומכי האמנציפציה היהודיים והלא יהודיים וגם מתנגדיה הלא יהודיים ראו את הקשר הפנימי בין שתי התופעות, תופעת האמנציפציה ותופעת התקונים ברת. מדינה מודרנית זו המבוססת על רעיון זכויות האדם מתוארת, כדרך שהיא מתוארת אצל סופרים טראדיציונאליסטיים שונים, כמדינה מיכאנית. מדינה ללא בסיס היסטורי חיובי היא צירוף של יחידים הקשורים זה לזה קשר חיצוני בלבד. וראי שהאחיזה לתפיסה זו היתה בקשר שבין רעיון זכויות האדם לרעיון האמנה, אותו הקשר כפי שהמחשבה המדינית של המאה הי"ז הורישתו למחשבה של המאה הי"ח והי"ט. ווגנר מבקש להוכיח לדוברי האמנציפציה כי מדינה מודרנית זו נטולת הבסיס הרתי היא סכנה ליהודים עצמם, כי מדינה כזאת מבטלת את שארית היחוד היהודי.²¹ נראה הרבר כי ווגנר בקש לאמר בזה כי גם אנשי האמנציפציה ואנשי תנועת התקונים אינם מוכנים לוותר על עצם היסוד הרתי של היהדות, ככל שהם באים לפרשו ולסלול להלך הרוח האוניברסאליסטי של התקופה. אולם המדינה המיכאנית-הטבעית אין בה כדי לאפשר אף שארית יהדותית זו. רוצה לאמר: שמירת היהדות ולו שמירת המינימום המזוקק שלה תהא מן האפשר רק בתוך המדינה השמרנית הבנויה על הבסיס הרתי החיובי ולא תהא מן האפשר במדינה של הזכויות הטבעיות, כמדינה של המהפכה הצרפתית. נמצא שווגנר בקש לאמר כי המדינה המודרנית תבטל אפילו את שארית היהדות שיהודי האמנציפציה והתקונים ברת אינם רוצים בבטולה.

המדינה הרתית החיובית היא המדינה הנוצרית. הגדרתה של המדינה הנוצרית ניתנה על דרך ההקבלה למדינת זכויות האדם ולמשפט הטבע המודרני. בעוד שמדינת הזכויות הטבעיות עושה את משפט הטבע לחוקתה העליונה הרי המדינה הנוצרית עושה את תכן ההתגלות הנוצרית כעיקר השקפותיה, כמניע העמוק ביותר, כתכלית העליונה וכקו מדריך שאינו בר תמורה בונהגה הכללי.²² המדינה הנוצרית היא איפוא מדינה שבה הנצרות היא החוק העליון שאינו בר תמורה בעוד שמדינת המשפט היא מדינה שבה משפט הטבע הוא החוק העליון שאינו בר תמורה. מבחינה זו קרובים רעיונותיו של ווגנר קרבה ברורה לרעיונותיו של יוליוס שטאהל. החיים הצבוריים במדינה הנוצרית צריכים להיות טבועים בחותם הנהוג הנוצרי ומגמות החברה צריכות להיות מבוססות על ההכרה הרתית האמתית. החוג השמרני משנת 1861, שווגנר היה ממסדיו,

²² שם 61.

²¹ שם 61.

** Donoso Cortes.

בעצמו של דבר הנה האמנציפציה סטיה ממדה הפנימית של היהדות. „מבצע שובר לבבות הוא“ זה שיהדות הגלות מבקשת לבטל את יחודה החמור, אותו ייחוד שהציל את קיומה במשך דורות כה רבים. והיא עושה זאת למען השותפות האוניברסאליסטית עם עמי העולם, אותה השותפות שלא נטתה אליה אפילו בתקופות הזהר של קיומה, משום שחששה אפילו אז שיבולע לה על ידי שותפות כזאת.¹⁵ אין זאת אלא שהאמנציפציה היא גלוי של השנוי הפנימי שחל בתוך היהדות פנימה: היא המודרניות היהודית. מבחינה זו אפשר לאמר כי האמנציפציה היא גלוי חיצוני של הריפורמה של היהדות, אותה הריפורמה שאינה אלא גלוי של האדישות הדתית, של אברן הבסיס ההיסטורי החיובי הדתי לקיומה של החברה.¹⁶ יש איפוא הקבלה שלמה בין מעמדה של היהדות בעולם החדש לבין מעמדה של החברה כולה: מה החברה כולה וותרה על בסיסה הדתי כן היהדות מוותרת על בסיסה הדתי. מה החברה כולה מנסה להשתית את קיומה על משפט טבע שהוא אוניברסאליסטי ביסודו גם היהדות רואה עתה את תכנה במושג אלהים ספקולאטיבי מכאן וברעיון האנושות הכוללת מכאן. לא זו בלבד שהמדינה החדשה מאפשרת את האמנציפציה, אלא שהמדינה החדשה והאמנציפציה הן גלויים של אותה התנועה הרוחנית עצמה, תנועה לקראת העמדת בסיס חילוני לחיים החברתיים. היהדות שנתה את תכנה בגלוי לתכן אוניברסאליסטי וספקולאטיבי. האמנציפציה או מתן מעמד של שוויון ליהודים מצד המדינה מופיעים במפורש כתשלום פרס ליהודים על שהם מכריזים במפורש על התכן האוניברסאליסטי העיוני של קיומם, בהברל ובנוגר לתכן ההיסטוריהחיובי.¹⁷ או מצד אחר: מאחר שהעמדת הבסיס הטבעי במקום הבסיס הדתי-ההיסטורי לקיומה של החברה היא בעיקרה תנועה אנטי-נוצרית הרי הריפורמה היהודית היא התרומה היהודית במאמץ המקיף לתת לבוש דתי לתורה האנטי-נוצרית החדשה.¹⁸ אנשי הריפורמה המרברים בשם דת יהודית מתוקנת עומדים בעצמו של דבר על בסיס אנטי-דתי; הם חסידי הורדוס¹⁹ בזמן החדש, כי ענינה של האמנציפציה הוא בבטול הדת בכלל, הן דת היהדות והן הנצרות. מבחינה זו יש להבין משום מה משמיע ווגנר את אהדתו לשמשון רפאל הירש.²⁰ אמנם ספק אם צדק ווגנר בזה שסבר שהתביעה לאמנציפציה לא היתה תביעתו של הירש. אך הוא ראה בהירש את המתנגד במפורש לריפורמה, את מי שעומד על בסיס דתי-חיובי וכאילו הניח שמכללא מן ההכרח הוא שהירש יהיה מתנגד לאמנציפציה מאחר שהוא מתנגד להנחותיה הדתיות. מבחינה זו ראוי להעיר הערה טיפולוגית כללית: התובעים אמנציפציה, ביחוד היהודים, נהגו לטעון כי היהדות כבר עברה את תהליך התקון הפנימי ההכרחי המכשיר את היהודים לאמנציפציה. האמנציפציה הסתמכה איפוא על עובדת התקונים. המסכמים עקרונית לאמנציפציה – ולו בלית ברירה כמו נהילאני – טענו שהיהדות צריכה לעבר את תהליך הריפורמה כתנאי שאי-אפשר בלעדיו, אך תנאי זה עדיין אינו נודג. ואילו ווגנר המתנגד לאמנציפציה מתוך שמתנגד

¹⁷ שם 36.²⁰ שם, 39: 49.¹⁶ שם 41.¹⁹ שם, שם.¹⁵ שם 30.¹⁸ שם, שם.

הרוחני המשותף לפגישה ביניהם ולמאמץ האמנציפציה שענינו לגבש שותפות זו גבוש מדיני ומשפטי. במדה שהמפנה הוא גלוי של סבלנות דתית הרי אין הסבלנות תוצאה של הבנה טובה יותר של הבעיה ושל המציאות הדתית; הסבלנות עצמה היא תוצאה של אדישות דתית.¹¹ נכונותה של החברה הלא־יהודית לוותר על הבסיס הקודם וליצור בתוך הבסיס החדש את התנאים לשוויון היהודים, נכונות זו היא גלוי של ירידה ואינו גלוי של התקדמות. עד כאן טוען ווגנר את הטענות הטרנזיציונאליסטיות נגד המדינה המודרנית בכלל, אלה הידועות מן הגלויים השונים של המחשבה השמרנית במחצית הראשונה של המאה ה־19. ווגנר מנסח את רעיונו העיקרי בשאלת המדינה בצורה שאינה משתמעת לשתי פנים: הנגוד הוא בין מדינה הבנויה על בסיס פילוסופי מופשט לבין מדינה הבנויה על בסיס חיובי־דתי של הנצרות.¹² בנסוח זה העלה ווגנר את קוי היסוד של המחלוקת בצורה ברורה מאד. תנועת האמנציפציה בקשה למצות את מהותה של המדינה המודרנית מבחינת זיקתה ליהודים, כלומר בקשה להרחיב את שלטון החוק על היהודים כאזרחי המדינה. אחיזתה של תביעה זו היתה כמובן ברעיון הזכויות הטבעיות או זכויות־היסוד של האדם. היא גרסה את רעיון המדינה כמציאות המושתתת על ההכרה בזכויות הטבעיות של האדם. סמכותה של המדינה מותנית בהודיה זו ותפקידה הוא בהגשמתן של הזכויות. תנועת האמנציפציה תלויה במהותה ברעיון משפט הטבע כחוק העליון של המדינה.¹³ ווגנר מנסח את המחשבה השמרנית המתנגדת לרעיון משפט הטבע ומסיק מסקנות כלפי מקומם של היהודים במדינה. כל אימת שהמדינה אינה בנויה על רעיון משפט הטבע אלא היא בנויה על בסיס דתי־חיובי שוב אין האמנציפציה בעלת מובן כלל ועיקר, כי בין היהודים התובעים אמנציפציה לבין המדינה הבנויה על בסיס דתי עומדת עובדת היהדות. הוכוח חדל להיות וכוח בין המדינה לבין היהודים המתדפקים על שעריה. הוכוח חוזר להיות וכוח ישן בין המדינה הנוצרית לבין היהדות. ובלשון אחר נוכל לאמר: האמנציפציה יוצאת מעובדת קיומה של מדינת המשפט שהיא מדינת משפט הטבע וזכויות האדם, או היא מבקשת להגשים מדינה כזאת משום שהיא רואה אותה כשיא ההתקדמות ההיסטורית. אולם כל אימת שאין מודים במדינת המשפט וכל אימת שאין רואים בה את שיא ההתקדמות שוב אין בסיס לאמנציפציה. בזה שונה שנוי עקרוני עמדתו של ווגנר מן העמדה שייצג אותה לעיל גהילאני, דרך משל: גהילאני על כל התנגדותו לאמנציפציה לא שלל את ההנחות הרוחניות שעליהן היא מבוססת; מה שאין כן ווגנר.

טענתה העיקרית של האמנציפציה הוא בזה שהיא מבקשת להפריד בין הרבקים, ר"ל בין היהדות לבין היהודים. הבעיה האמתית היא בעית היחס בין היהדות לבין הנצרות או בין היהדות לבין המדינה הנוצרית והיהדות מנוגדת לאמנציפציה שהיא האחוזה בתוך החברה הלא יהודית על דרך שוויון במעמד המדיני והאזרחי.¹⁴

¹¹ שם 54.¹² שם 31.¹³ השוה: יחזקאל קויפמן: נולה ונכר: כרך שני, 57 ואילך.¹⁴ שם 3.

שונא היהודים⁴ ובמובן מה הדין עמו, כי הרצאתו יש בה ברור השאלה שאין לקטלג אותו בקלות עם שנאת היהודים. לרקע של הברור עצמו מן הראוי להזכיר כי ווגנר מעיר בהקדמה לספר כי הוא נכתב בעזרתו של „מומחה“ אך אין הוא מפרש בשמו.⁵ ודאי שמומחה אלמוני זה היה מי שסייע בידי ווגנר לברר את הסוגיה היהדות־היסטורית שבספרו. תהיה זו השערה גרידא אם נשער כי מומחה זה היה ברונז בואר, שעתיד להיות עוזרו של ווגנר בלכסיקון.

קביעת עמדתו המדינית־הממשית של ווגנר תלויה בברור מהותה של היהדות. כעיקריה של היהדות, על כל פנים אותם העיקרים שיש בהם ענין לגבי מעמדה בתוך המדינה, מבליט ווגנר שני ענינים: א. היהודים יש להם תודעה של עם אלהים, ואת מעמדם זה אין לבטל. ב. בחינת עם אלהים הם פרושים מן העולם ומעמי העולם. „הפרישה החמורה של העם מן הזרים“ היא יסוד מוסד של היהדות.⁶ ווגנר רואה איפוא כסימן היכר מהותי של היהדות את שקיעותו של היסוד הלאומי בתוך התודעה הדתית ובוזה ההברל העיקרי של היהדות והנצרות.⁷ הנצרות העתיקה את רעיון היעור מן התחום הלאומי־הטבעי לתחום הרוחני־השמימי בעוד שהיהדות דבקה בהבטחה הארצית. היהדות, וביחוד היהדות התלמודית, בטלה את רעיון האוניברסאליות מכל וכל. מצד אחר יש בה ביהדות „מנגנון עצום“ של פולחן ותקנות וכחו עדיף מכחם של „דיאזמוס דמיוני ומסורתי“ צרת לב.⁸ ברור מכל מקום כי טענותיו של ווגנר נגד היהדות בחינת מקומה בעולם הכולל הן הטענות הרגילות של המתנגדים לאמנציפציה. המיוחד שבטענותיו של ווגנר הוא בכך שאין הוא מתנגד לאמנציפציה משום אופיה של היהדות אלא הוא מתנגד לאמנציפציה משום תלותה במדינה המורנית שאותה הוא דוחה מכל וכל.

עצם התביעה לאמנציפציה ועצם הסכוי להתגשמותה תלויים במפנה הקיצוני שאירע בזמן החדש, המפנה לצד המודרניות. ווגנר בא לשלל מפנה זה ומתוך שלילתו זו הוא בא לשכט את הקרקע מן האמנציפציה כתוצאה של מפנה זה. סימן ההיכר הבולט ביותר של מפנה זה הוא בהתכוננותה של המדינה המודרנית. מדינה זו שהיא מדינתה של המהפכה הצרפתית הסיחה את דעתה מן האיכות הדתית של היהודים כדרך שהיא הסיחה את דעתה מן האיכות הדתית של הנוצרים.⁹ היא בקשה אחרים טובים ותו לא. בעולם המודרני חל ההיסט מן הדת אל הפעילות הפוליטית: עצם עלייתה של הפעילות הפוליטית למדרגה מרכזית מעיד על המפנה.¹⁰ במפנה זה שותפים היהודים והלא־יהודים: הוא יצר את הרקע

⁴ שם בהקדמה.

⁵ שם, שם.

⁶ שם 62.

⁷ שם 9.

⁸ שם 21.

⁹ שם 33.

¹⁰ שם 52.

המדינה היא נייטראלית מבחינה דתית – זה צד אחד; המדינה מבוססת על החוק הכולל – זה הצד השני. האמנציפציה תלויה בשני גוונים אלה: היהודים כאזרחים יוכו במעמד שווה בתוך המדינה; היהודים כבני אמונה יהנו מן ההפרדה בין המדינה לדת ויוכלו להיות דבקים באמונתם בתחום „הפרטי“. המדינה הכוללת קולטת את היהודים כאזרחים וכבני אמונה, על בסיס החוק מצד אחד ועל בסיס ההפרדה בין הרשות המדינית והרשות הדתית מצד שני.

הרים אלה לברונו בואר מחוץ לתחום היהודי מעידים על המעמד של החבור של בואר בעיני הרור שהקדיש לו תשומת לב כה מרובה. אך הם מבליטים גם את הבעיות הרעיוניות הפנימיות של תנועת האמנציפציה ותנועת התקונים בדת, ובעיות זו באה לידי גלוי דוקא אגב השתקפותה באספקלריה של לא־יהודים. מבחינה זו מציגים גהילאני וגרין שני הדים מקבילים למסכת הרעיונות האחת של תנועת האמנציפציה ותנועת התקונים.

ב. העמדה המשמרת

עשרים שנה לאחר פרסום החבור הראשון בשאלת היהודים חזר ברונו בואר לנושא זה במערכת היסטורית ושיטתית אחרת, כמחבר המאמר על היהודים בלכסיקון שיצא לאור על יד הרמן ווגנר, אישהצמרת של התנועה הקונסרבטיבית של פרוסיה. אולם עד שאנו באים לרונ בחבורו המאוחר של בואר ובמקומו על רקע פולמוס האמנציפציה נרון בחבורו של הרמן ווגנר עצמו, הן משום שהבור זה הוא חוליה מקשרת בין שתי תקופות בעסקו של בואר בשאלה הנידונה והן משום חשיבותו של החבור עצמו להבנת בעיית האמנציפציה באספקלריה של העולם הלא־יהודי. הרמן ווגנר (1815–1889) היה בשנים 1848–1854 העורך הראשי של הבטאון השמרני „קרויצציטונג“* וחבר בית הנבחרים הפרוסי. לפעילותו הספרותית והמדינית יש צדדים שונים אולם עניינו כאן הוא בצד היהודי שבה. בשנת 1856 הציע ווגנר בבית הנבחרים לבטל את הסעיף י"ב של החוקה החדשה, אותו הסעיף הקובע כי הזכויות המדיניות והאזרחיות אינן תלויות בדת.¹ בחבורו על „היהדות והמדינה“² מזכיר ווגנר וכוח זה בעקיפין שעה שהוא מזכיר כי עמדתו עוררה התנגדות נמרצת וכי הוגשו „264 פטיציות יהודיות קונטרה ווגנר“.³ במובן מסוים אפשר לאמר כי חבורו של ווגנר הוא נסיון להגנה עקרונית על העמדה שייצג בבית הנבחרים. אולם היקפו של החבור רחב מזה בהרבה והוא מעורר שאלות מהותיות ממש. בחבורו זה מכריז על עצמו ווגנר כעל אדם שאינו כלל ועיקר

* *Kreuzzeitung*

¹ השווה: ש. דובנוב: דברי ימי עם עולם, כרך IX, עמ' 208.

² Das Judentum und der Staat — Eine historisch-politische Skizze zur Orientierung über die Judenfrage, Herausgegeben und mit einem Vorworte versehen von Hermann Wagener, Mitglied des Hauses der Abgeordneten für Neustettin, 1857.

³ שם, 3.

כאיש מן החוץ הוא חבר כלפי חוץ, צוירו הדברים ציור אחר. פרט זה הוא אופיני לעצם ההתייבבות בשתי חזיתות המציגת את תנועת האמנציפציה על אנפיה וסעיפיה והאופינית גם לספרות ההשכלה העברית. אך כל אימת שהפולמוס החברתי והאמנותי התנהל בעברית, בתחומה של ספרות ההשכלה, אפשר היה להניח שהוא מתנהל בתוך העולם היהודי הסגור. אך הנחה זו אי אפשר היה להניח כלפי ספרות שנכתבה גרמנית, כמו הספרות של המתקנים: זו נכתבה בגרמנית, הן מטעמים מעשיים כי בקשו לכוון את דעת הקהל היהודית והן מטעמים עקרוניים, כאשר ענינה של תנועת התקונים היה לתת מעמד יהודי פנימי לשפת החברה הכוללת או לשפת המדינה.

גרין מקבל מדוברי האמנציפציה גם את הטענה לגבי מקומו של הרעיון המשיחי בתוך היהדות. תחילה הוא טוען שהתפילה לשיבה לציון לא היתה מעולם תפילה בעלת משמעות מדינית אקטואלית.²³ הצפיה למשיח לא היתה מעולם „עיקר אמונה” יהודי ויעידו דבריו של „רבי הלל” כי המשיח כבר בא.²⁴ אך נוסף על זה הלא היהודים היושבים עתה עם הגויים – והעיקר הוא הלא היהודים אלה – מכריזים ששוב אין הם אומה נכרית ואין הם מבקשים להיות אומה כזאת. אין היהודים אומרים כי הם מבקשים לעזב את הארץ שבתוכה הם יושבים. גרין, כמוהו כדוברי האמנציפציה, מבקש לרכז את הצפיה המשיחית משתי נקודות ראות: הוא מבקש להראות שמעולם לא היה רעיון זה חלק מהותי של היהדות. ומצד אחר: הוא רוצה להראות כי היהודים הממשיים בזמן הזה אין רעיון זה חלק של תודעתם ההווה.

מאחר שהנחתו של גרין היא כי היהדות כבר זוקקה מן היסודות התיאוקראטיים שעמדו כמחיצה בין היהודים לבין המדינה, הוא בא לטעון כי ההתנגדות לאמנציפציה של היהודים אינה התנגדות לגיטימית של המדינה כמדינה אלא היא התנגדותם של הנוצרים. נכון הדבר שהיהודי התיאוקראטי אינו יכול להיות אזרח של ממש בתוך מדינה. אולם נוצרי קנאי המוציא אחרים מתחומו של המעגל החברתי אינו יכול לקבל את היהודי לתוך המדינה, כי אין הוא מסוגל כלל ליצור מדינה כוללת שהיא מדינת החוק ואינה מדינת האמונה. המתנגדים לאמנציפציה של היהודים רבקים בענין החלקי של הנצרות ולא בענין הכולל של המדינה. ההפרדה בין המדינה לדת פירושה כניסת הרוח הדתית לתחומו של היחיד והוצאתה מתחומה הכולל של החברה.²⁵ אין פירושו של הדבר כי הנגוד או המתחיות בין היהדות לנצרות יעברו מן העולם. אך עם התכונות של המדינה הכוללת יועברו נגודים אלה לתחום שהם שייכים אליו בדין, הוא תחומה של התיאולוגיה. או מצד אחר: הערכת היהדות כאמונה אינה עוד ענין של המדינה ומוסדותיה. היא ענין של חקירה מדעית ואין הסמכות הכנסית רשאית לכפות על המדינה את הערכתה. היא.²⁶ גרין נוקט איפוא כלפי היחס בין הדת והמדינה עמדה שיש בה שני גוונים:

²³ שם 8/9.

²⁴ שם 78.

²⁵ שם 116.

²⁶ שם 75.

משפט ובקשו לעשות הפרדה זו ענין למעמדם המשפטי והפוליטי של היהודים בתוכה. מתוך ראייה זו בא גרין להגן על זכותם של היהודים לאמנציפציה והוא משמיע את כל אותן הטענות שהשמיעו דוברי האמנציפציה במאה ה"ט. מבחינת היחסים בין היהודים לעולם הסובב אותם ראויה להבלטה נקודה טיפולוגית: בעוד שההילאני נשמעים בו הדים מטענות תנועת התקונים בדת נגד היהדות המסורתית הרי גרין נשמעים בו הדים מטענות האמנציפציה נגד החברה הכוללת המונעת אמנציפציה מן היהודים. תנועת התקונים טענה את טענותיה כלפי פנים והם חדרו אל מחוץ למחנה היהדות וטענותיו של ההילאני תעדנה. האמנציפציה טענה את טענותיה בעיקר כלפי חוץ והן היו נשמעות וגרין הוא מאלה שקלטו את אשר נטען.

באיו מדה תלויות הטענות של האמנציפציה ברעיון החוק ובמקומו בחברה בולט לא רק ברעיון החיובי, כלומר שמדינת החוק אי אפשר לה שתמנע מן היהודים שוויון כלפי החוק. גרין מקבל אף מסקנה אחרת בכוון שלילי: בהסתמכו על דבריו של גבריאלי ריסר הוא אומר כי חוקים נפרדים ליהודים ולנוצרים יצרו מצבים נפרדים. ואילו חוקה אחת לכל החטיבות הדתיות תחזיר את השוויון לקרמיתו.²⁰ ועוד: הואיל והיו נהוגים חוקים שונים אין לאמר כי היהודים הם שהוציאו את עצמם מחוץ לחברה הכוללת, אלא החברה היא שהוציאה אותם אל מעבר לגבולותיה²¹ – ובוה חוזר גרין כמובן על הטענות הרגילות שבפיהם של דוברי האמנציפציה בנתוח התהליכים ההיסטוריים שביחסים בין היהודים לסביבתם.

ואף בנקודה אחרת מסכים גרין להלך המחשבה של דוברי האמנציפציה: אף הוא מסכים שיהודים המבקשים לזכות במעמד של שוויון בתוך המדינה חייבים לתקן את מערכת המושגים ואמונות והדעות שהיו דבקים בה. אך הוא מנסח את הרעיון בצורה מיוחדת: האין זאת שהתקונים ההכרחיים כבר הוכנסו וכי היהדות זוקקה מכל אותם היסודות התיאוקראטיים שבה המונעים את השתלבותם של היהודים לתוך מדינה מודרנית הבנויה על חוק ולא על סמכות דתית?²² כלומר גם על פי גרין הריפורמה של היהדות היא תנאי לכניסתם של היהודים לתוך המדינה. אך הריפורמה אינה תנאי שלא נתקיים עדיין; היא תנאי שכבר נתקיים בפועל. פרט זה הוא רב ענין משום שהוא מעיר על האופי האפולוגיטי של הלך מחשבה זה שגרין הלא־יהודי מיצג אותו בפולמוס זה: חבורו של גרין יצא בשנת 1844, כלומר תוך כרי הפולמוס סביב תנועת התקונים בדת, שנה לפני אספת הרבנים בפראנקפורט. לאנשי התקונים עצמם לא היתה הרגשה כלל ועיקר שהם השלימו את התקונים בתוך היהדות, ובמדה שאמת המדה לתקונים הדרושים היא באפשרות להאחו במדינה המודרנית הרי לא הניחו הם בעצמו של הפולמוס שמלאה אמת מדה זו. אולם בפניה כלפי חוץ, וחבורו של גרין

²⁰ שם, מוטו לספר.

²¹ שם 41.

²² שם 57.

כמיציגים את הנצרות הגרמנית.¹⁶ סיכומה של טענה זו הוא ברור: גהילאני מתנה את האמנציפציה בשנוי דמותה של היהדות, בריפורמה. אך מאחר שריפורמה זו כבר התרחשה שוב אין מניעה לאמנציפציה. אנשי תנועת התקונים בדת טוענים כאן במפורש כי הריפורמה כבר מלאה את התפקיד שלה, במה שהיא מכשירה את הקרקע היהודי הפנימי לאמנציפציה.

שני למגיבים הלא־יהודיים על חבורו של ברנו בואר היה קארל גרין, חברו של הס בשנות הארבעים של המאה ה־ט, שנמנה עם מה שהיה קרוי „סוציאליזמוס אמתִי“. במובן מסוים היה הוכוח בין ברנו בואר לגרין וכוח בתוך תחומה של המחשבה הראדיקאלית של הדור, בעוד שהצטרפותו של גהילאני כתנא דמסייע לבואר היתה הצטרפות של אדם ממחנה המשמרים. זיקתו של קארל גרין לנושא זה של מלחמת היהודים על האמנציפציה אינה מוגבלת לחבור־הפולמוס. לנושא זה נזקק גרין גם ברומאן שלו „אוסבאלד“ (שלא ראיתיו), שמעידים עליו כעל רומאן המוקדש להננה על האמנציפציה.

אכן מצויות נקודות מחלוקת עקרוניות בין בואר לבין גרין, שאינן קשורות במישרין לבעיית האמנציפציה אך רשומיהן ניכרים בדיון בבעיה זו. גרין מעיר בעצמו שהמפנה החדש, שהוא המפנה העיקרי בתחומה של העת החדשה, היא התכוננותה של המדינה והתבססותה של תודעת החוק.¹⁷ גרין מסתפק כאילו במפנה זה בעוד שבואר מבקש לחרג אל מעבר לו כשהוא רואה את תשועת האנושות בהשתחררות מכל דת, כפי שלימד בואר בחבוריו בשנות הארבעים וכפי שהוא מפרש דעתו זו בחבורו בשאלת היהודים. ואילו גרין מנסח את רעיונו לאמר: המדינה קום תקום ורעיון החירות הוא האבוקה ההולכת לפניה. הדת תשאר בעינה אך היא לא תפריע את המדינה.¹⁸ אפשר לנסח את המחלוקת העקרונית שבין בואר לבין גרין לאמר: בואר רואה את המפנה בביטול הדת ובהתכוננותה של החברה החפשית המבוססת על „התודעה העצמית“ של האדם ולא על התלות בישות נפרדת ושליטה על האדם. ואילו גרין מקבל את ההנחות של מדינת־המשפט המודרנית, כלומר את ההפרדה בין הדת למדינה, כעצם המפנה. המדינה החדשה והבסיס החדש לחיים הצבוריים אינם זקוקים לביטול הדת אלא דיים בהוצאתה מתחומה של המדינה בחינת מדינה. ארצות הברית של אמריקה מצטיירות בעיני גרין – כשם שהצטיירו בעיני הס בסמוך לבעיות אחרות – כגישומה של מדינת המשפט, כמבוססת על ההפרדה בין הכנסייה והדת ולא על ביטולה של הדת והתכוננותה של חברה חילונית מכל וכל. ארצות הברית הן גם שהעניקו את האמנציפציה ליהודים מתוך מיצוי משמעותה של המדינה המודרנית.¹⁹

תלות זו בהפרדה בין הרשויות של החברה היא ודאי הרקע המשותף בין גרין לרוברי האמנציפציה שאף הם נאחזו במהותה של המדינה המודרנית כמדינת

¹⁶ שם 14.

Die Judenfrage, Gegen Bruno Bauer von Karl Grün 1844, p. 155 ¹⁷

¹⁸ שם, שם. ¹⁹ שם 124.

כן יצאו הם להתוכח עם גהילאני אלא שנגר בואר, שהיה סופר מרכזי, יצאו הנדרים הראשיים ואילו נגר גהילאני יצאו בעלי מעמד נחות יותר בתוך תנועת התקונים. ובכל זאת ראויות טענותיהם, וביחוד טענתו של אדלר שמעיד על עצמו כי השתתף באספת הרבנים בפרנקפורט, לתשומת לב.

בחבור שיצא בעולם שם המחבר ושמחברו היה רב ד"ר ה. ש. הירשפלד, נידונה בין השאר הטענה של גהילאני כי הפתרון הטוב הוא פתרון ההגירה של היהודים.¹³ מחבר כתביהפולמוס אינו משיב על טענתו של גהילאני כי ההגירה היא הפתרון הטוב ביותר, כי פירושה הרחקת היהודים מן הגוים שהם מורחקים מהם על פי אמונתם. מחבר כתב הפולמוס מתוכח עם גהילאני כאילו אמר שבני אדם חייבים לחזור לנחלתם הקדומה והיהודים חייבים לחזור לארץ ישראל כאל נחלתם הקדומה. אילו היה הדין עם גהילאני בהנחתו זו – טוען הירשפלד – כי אז היו חייבים כל בני האדם היושבים עתה באירופה לחזור לארצות המוצא שלהם באסיה: „אולם רעיון כזה יכול להולד בראשו של גהילאני בלבד.“¹⁴ לעומת זה טוען א. אדלר¹⁵ כי טעותו העיקרית של גהילאני היא במה שהוא שולל את זכות האמנציפציה מן היהודים בזמן הזה על יסוד וכוחו עם רעיונות שאינם רעיונותיהם של היהודים בזמן הזה. גהילאני אינו דן ביהודי גרמניה בזמן הזה אלא הוא דן כאילו „רבני ימי הבינים“ היו תובעים לעצמם את הזכות לאמנציפציה. זו אחת הדוגמאות לאופי הוכחה, כאשר אנשי האמנציפציה ותנועת התקונים מודים במקצת בצדקת הטענה נגד היהדות: הסתייגותם היא לגבי היהדות ולא לגבי עצם הטענה. דבר זה בולט ביותר בצד אחר שבפולמוס זה: גהילאני הסתמך בין השאר על התפילות השגורות בפיהם של היהודים, כדרך שנהגו להסתמך עליהן כל המתנגדים לאמנציפציה אשר בקשו סיוע בתוך טיבו של העולם היהודי פנימה. אולם אדלר אינו טוען נגד גהילאני את הטענה הרגילה: או שאפשר ליישב תפילה למשיח עם אורחות נאמנה או שאין לגרום את התפילה כפשוטה, כדרך שנהגו לטען דוברי האמנציפציה. אדלר טוען טענה כפולה: רוב רובו של הקהל אינו מבין את התפילה שהוא מתפלל ועל כן אין ללמד מתכנה של התפילה על אמונתה של העדה היהודית. ושנית: בכל מקום שמעמידים את הקהל על משמעותה של התפילה, או על משמעותם של אותם היסודות שבה „שאינם מתאימים לזמן הזה“ שם מסכים הקהל בקלות לכך שתפילות אלה תושמטנה מסדר התפילות.^{15a} את היהדות הגרמנית מיצגים ייצוג אמת הרבנים הרפורמיים ואין לטעון נגד היהדות הגרמנית על פי האמונות והמנהגים שמחזיקים בהם רבנים אחרים, כשם שאין לראות את הישועים

Molochsglaube und Religionsschändung, eine notwendige Schrift für¹³
Herrn Ghillany und die Leser seiner Werke, von Dr. H. S. H. Rabbiner,
Eine Abfertigung der Schrift: Das Judentum und die Kritik, 1844, p. 85

¹⁴ שם, שם.

A. Adler: Das Judentum und die Kritik, Ein Sendschreiben an Herrn¹⁵
Dr. F. W. Ghillani, 1845, p. 6

^{15a} שם 10.

פנימי בתוך היהדות. גהילאני טוען איפוא להכרח שבריפורמה של היהדות, והוא קורא את הרבר בשמו המפורש: ריפורמה.⁸ אין צריך להאמר שבסוגיה זו הוא קרוב מאד להגיון של אנשי האמנציפציה עצמה אף על פי שמבחינת התכן טענותיו שונות; ויותר משהן שונות מבחינת התכן הן שונות מבחינת הטון.

האמנציפציה תלויה איפוא ביהודים עצמם. יש גבול לסובלנותה של המדינה. אין המדינה יכולה להתיר בתוך גבולותיה כל מה שמחמיר להיות בגדר של פולחן או בגדר של מין מיוחד של אמונות ודתיות. דת התובעת לעצמה מעמד בתוך המדינה, או דת אשר המאמינים בה מבקשים לעצמם מעמד במדינה, מן ההכרח שתהיה טבועה ב"מינימום של התאמה לתבונה". רק מינימום כזה המתאים לרוח הזמן ימנע מן המחזיקים באמונה זו את הגורל להיות מאוסים ומנוחכים בעיני בני האדם החיים אתם יחד בתוך המדינה. דרך משל: אין לתאר כי המדינה חכיר בדת הקשורה לפולחן של פטיש, רק משום שפולחן זה יתבע לעצמו מעמד של אמונה שאין להפריע אותה. התנאי השני הנדרש מדת התובעת לעצמה מעמד מוכר הוא כי לא יהיו בה עקרונות של איבה לבני אדם שמחוץ לתחומה של דת זו.⁹ היהדות אינה ממלאת אחרי התנאי הראשון, משום שהיא דת אשר מאמיניה מתפללים להחזרת הקרבנות, שמאמיניה משפילים את האשה ומקריבים בהוזה קרבן גופני באקט של המילה.¹⁰ ההתנגדות לאמנציפציה של היהודים כמות שהם אינה איפוא התנגדות למתן זכויות האדם לבני אדם; היא לאמתו של דבר התנגדות לאיבה האדם המגולמת ביהדות ההיסטורית. התנאי לאמנציפציה היא איפוא דת יהודית מתוקנת שתשנה את שמה המקורי מ"מוזאיזמוס" (Mosaismus) ותיקרא למשל: "יהוויזמוס מתוקן".¹¹

כדי לסתור טענה אפשרית שתנועת התקונים בדת כבר שנתה את עיקרון ה"משיח הארצי" מוסיף גהילאני שאין שום בית כנסת שאין מתפללים בו לבואו של משיח "ארצי". ואם "הרבנים הנאורים" וויתרו על עיקרון זה הרי אין הם מעזים לוותר עליו בתוך עדתם ולהביא את עדתם לווייתור זה. המבחן לאמונה של היהודים כמות שהיא באמת אינה במה שהיהודים אומרים בהיותם בתוך החברה הנוצרית אלא במה שהם אומרים ביניהם לבין עצמם. בהיותם נתונים ביניהם לבין עצמם הם מחזיקים בכל אותם העקרונות שיש בהם התבדלות מן המדינה ומן האנושות.¹² גהילאני נאחז בחבורו של בואר כדי לטעון את טענותיו שלו. אמנם גם הנחתו העיקרית של בואר היתה כי היהודים אינם יכולים להזדהות עם האנושות ועם העולם. משום טיבה של היהדות. על רקע משותף זה בין בואר לגהילאני נסח גהילאני את רעיונותיו שלו. כשם שאנשי תנועת התקונים בדת יצאו להתוכח עם בואר

⁸ שם, XXVI.

⁹ שם, מבוא.

¹⁰ שם, שם.

¹¹ שם, XXVI.

¹² Die Judenfrage etc. 43.

נקודת המוצא של גהילאני היא אותה נקודת המוצא עצמה שבה היו קשורים דבריה של האמנציפציה. טיבו של דור זה, התמורות החברתיות והרעיוניות שחלו בו, מחיבות את האמנציפציה.³ יש דוברים האמנציפציה טענו בשם „מדינת המשפט“ שהוקמה ויש וטענו בשם „ההומאניות“. גם גהילאני יוצא מרעיון ההומאניות: אכן התקופה היא תקופה של ההומאניות ומדורתה זו מחיבת את אלה החיים בה. היא מחיבת גם את פתרון שאלת היהודים. אולם בתוך תקופה זו התנגדות, ואף שנאה ליהדות, שהיא בעצמה תופעה לא הומאנית ואפילו אנטי-הומאנית, בתוך תקופה זו יש לראות את האנטישמיות כתופעה הומאנית ביסודה; התנגדות זו היא תופעה של הגנה על האנושות והיא תופעה של התנגדות לאויביה של האנושות.⁴ אין גהילאני רוצה להכחיש כי איינומנגר שהוא מסתייע בו בטענותיו נגד היהדות היה שונא יהודים. אולם כל אדם, שלב אנוש בקרבו, החדור רגש למען ההומאניות ולמען התקדמותו של המין האנושי, מן ההכרח שיהיה אויבה של „המהות היהודית“ כאשר ניתן לו להכירה מקרוב.⁵ ומצד אחר: הפתרון הטוב ביותר לשאלת היהודים היה בהגירה של היהודים. אולם חסרה ליהודים העוצמה המוסרית להגשים את רעיונם הם על גאולה לאומית, אף כי הם מטפחים רעיון זה. חסרה להם עוצמה זו משום שאין בהם הרצון להקריב קרבנות חמריים למען רעיון זה. הם גם נרתעים מן החיים בתוך ארץ שבה יהיו מצויים יהודים בלבד, שבה יהיו הם עצמם חייבים לעמל במלאכת כפיים הקשה והמסוכנת ביותר. שם לא יהיו זולת יהודים בני אדם שיהיו נתונים לאפשרויות של רווח כספי. מדינה שתוקם על ידי יהודים לא תחזיק מעמד מטעמים אלה ועל כן אין ההגירה אותו פתרון ראדיקאלי לשאלת היהודים כפי שאפשר היה להניח מלכתחילה.⁶ מכאן שמן ההכרח לדון בפתרון שאלת היהודים בגבולותיה של המדינה, בחינת פתרון שני, אך פתרון ריאלי. „אין אלא להחזיק אותם“; „אנו חייבים להחזיקם כי הם בני אדם השרויים יחד אתנו וגרים זה מאות בשנים בתוכנו“.⁷ בנקודה זו של הזכות של החזקה מקבל איפוא גהילאני את טענותיהם של דוברים האמנציפציה. הוא מקבל את טענתם שהאוטונומיות אינה יכולה להיות טענה נגד האמנציפציה, אם רנים על רקע המציאות הנתונה של עובדת מציאותם של היהודים בגבולותיה של המדינה. גם אי שיכותם של היהודים לכנסיה אינה יכולה להיות טענה נגד האמנציפציה, כי הנצרות אינה תנאי לאמנציפציה ולמעמד המדיני. אולם התנאי מוכרח להיות בטיבם של היהודים מבחינת הזיקה למדינה והעולם הכולל שבתוכו הם מבקשים להאחז. על כן התנאי לאמנציפציה הוא שנוי

Dr. F. W. Ghillany: Das Judentum und die Kritik, oder es bleibt bei ³
den Menschenopfern der Hebräer und bei der Notwendigkeit einer zeit-
gemässen Reform des Judentums, Nürnberg 1844. מבוא.

Die Judenfrage etc. 13 ⁴

שם, שם. ⁵

Das Judentum etc. מבוא. ⁶

שם, שם. ⁷

פרקים בפולמוס האמנציפציה

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א. הדים לברונו בואר

חבורו של ברונו בואר בשאלת היהודים שיצא לאור בשנת 1843 עורר תגובה רחבה בחוגי היהודים, דברי האידיאולוגיה של האמנציפציה ותנועת התקונים בדת. אולם חבור זה עורר גם תגובות של לא־יהודים. בשתי תגובות אלה נדון להלן, האחת תגובה הבאה לחזק את דעתו של בואר והשניה הבאה לסתור אותה. לחזק דעתו של בואר בשאלת היהודים יצא הסופר התיאולוגי פרידריך וילהלם גהילאני (1807–1876), שבקש לתרגם את טענותיו של בואר נגד האמנציפציה לשפת רעיונותיו שלו. גהילאני עסק בשאלות היהדות מחוץ לנושא הפולמוס הזה ובמחקריו בקש להעמיד על נוהג הקרבנות שביהדות המקראית. בחבוריו נגד האמנציפציה של היהודים הוא מבקש כאילו להסיק מסקנות הלכה למעשה מטיבה של היהדות לגבי מעמדם של היהודים ברור זה בתוך המדינה. השנאה לאנושות הכוללת היא קו הדמות הבולט במהותה של היהדות. ביטוייה של שנאה זו הם ברעיון הבחירה, בתקווה המשיחית שענינה לתת ביטוי בולט ומאורגן לבחירה, ובהסתיות הקיצונית נגד האנושות והעמים. הסתיות זו, או יתירה מזה הברדלות זו, קבלה את גבושה המוסרי במילה; באקט המילה מכריו על עצמו היהודי כמי שהתקדש במיוחד על ידי אלהים וקובע את הסיוג בינו לבין מי שלא נימול.² בכל הטענות האלה נגד היהדות חוזר גהילאני על הטענות שהיו שגורות בפהם של המתנגדים לאמנציפציה, אשר טענו כי מי שאינו מזדהה עם החברה ועם האנושות אינו רשאי לצפות למעמד שווה בתוך חברה זו. הגוון המיוחד של טענותיו של גהילאני היה בזה שהוא בקש כאילו לחשף את המקורות התיאולוגיים או הדתיים של עמדה זו בתוך היהדות, אם כי גם בזה לא היה חדוש מיוחד. אולם לגבי הבנת הרקע של טענותיו ראויים להבלטה שתי נקודות:

¹ עיין במאמרי: הוכוח סביב ברונו בואר, דבר, מאסף במלאת עשרים וחמש שנים ל"דבר".

² Die Judenfrage, Eine Beigabe zu Bruno Bauers Abhandlung über diesen Gegenstand, von F. W. Ghillany, Nürnberg 1843, p. 9

עמוד שורה	פינקלשטיין	יפת
556 13	מתכוונת	מכוונת
" 15	שליח	שלוח
" 17	כשמועו	כמשמעו
557 19	כלפי מעלה	כלפי מעלן
" 22	לנעמיות	לנעמית

זכור בפה או אינו אלא זכור בלב כשהוא אומ' לא תשכח הרי שכחת הלב
 אמורה הא מה ת"ל זכור בפה שתהא שונה בפ"ך: בדרך בשעת טירופכם:
 בצאתכם ממצרים בשעת גאולתכם: אשר קרך בדרך אין קרך אלא שנודמן
 לך מגיד שעשה לך עמלק מחלות בדרך והיה בא עליהם והורגם: ד"א כשהיו
 5 נינוחין היה בא עליהם והורגם: ור' נחמיה אומ' קרך וראי מה עשה עמלק ירד
 לו לבית אורכיון של מצרים ונטל טפסיהם של ישראל שהיה שמם חקוק עליהן
 ובא ועמד לו חוץ לענן והיה קורא כל אחד ואחד בשמו ראובן שמעון לוי
 ויהודה אנא אחוכון פוקו דאנא בעי למעבד עמכון פרקמטיא וכיון שהיה יוצא
 אחד מהם מיד הורגו: ורבנן אמרין הקירם לפני אומות העולם: אמ' ר' חונא
 10 משל לאמבטי רותחת שלא היתה בריה בעולם יכולה לירד בה ובא בן בליעל
 אחד וקפץ לתוכה אע"פ שנכזה בה הקירה לפני אחרים: כך כיון שיצאו ישראל
 ממצרים נפלה אימתם על כל האומות שנ' שמעו עמים רגזון וכו' וכיון שבא
 עמלק ונדרוג להם אע"פ שנטל את שלו מתחת ידיהם הקירם לפני אומות העולם:
 ויזנב בך וכו' הוא שאמרנו שהיה מחתך מילותיהם של ישראל: כל הנחשלים
 15 אחריו מלמד שלא היה הורג אלא בני אדם שנמשכו מדרכי המקום ונחשלו
 מתחת כנפי ענן: ורבנן אמרי זה שבטו של דן שפלטו הענן שהיו בו עובדי ע"ז:
 ויש אומרים אלו המצורעין שהיו מחוץ למחנה: אחרים אומרים אלו ישראל שלא
 היה בידם מצוות שיגאלו שנ' ויקרא שם המקום מסה ומריבה: מהוא אומ' ויבא
 עמלק: ואתה עיף בצמא: ויגע בדרך: והיה בהניח יי' אלהיך לך מלמד שלא
 20 תאגור עליך אגורה: לא תשכח למה נאמ' לפי שהוא אומ' תמחה את זכר עמלק
 מצות עשה: בלא תעשה מנין ת"ל לא תשכח: לא תשכח הא אם שכח עובר בלא
 תעשה קל וחומר לשאר כל המצוות שבתורה:

עמוד	שורה	פינקלשטיין	יפת
549	20	לא תשוב לקחתו	לא תשוב לקחתו למה נאמ' לפי שהוא אומר לגר ליתום ולא למנה יהיה מצות עשה: מצוה בלא תעשה מנין ת"ל לא תשוב לקחתו:
550	15	לכאן כבר פירשנוהו	כאן כבר פירשנו
"	21	שנ' והיה	שנ' כאן והיה
"	23	בן להלן וכו' אף כאן בלא	בן שנ' להלן וכו' אף כאן במצוה בלא
"	25	מצדיקין ומרשיעין אותו	מצדיקין אותו ומרשיעין אותו
"	26	בין אנשים וכו'	בין אנשים אין לי אלא אנשים וכו'
"	29	המורשעין	המרשיעין
551	8-7	הרשיעו הצדיק וכו'	הרשיעו את הצדיק ואתי עדים אחרים ואומניהו והצדיקו את הצדיק מעיקרא וכו'
"	16	עוסק	עוסק
"	18	ידות	ידיו
"	20	מכאן שאין	מכאן אמרו אין
"	26	מניין	מיכאן
552	2	שלא להכותו	שלא להכותו יתר
"	6	הרי זה	הרי הוא
"	9	חייבי בריתות	חייבי כריתות
"	16	מיוחד דבר וכו'	מיוחד שגידולו מן הקרקע
"	18	שאינן גידולי קרקע	שאינן גידולי מן הקרקע
"	24-23	בין שיש וכו'	בין יש לו בנים בין אין
553	8	ובת ובת הבת וטומטום	ובן הבת טומטום
"	22	במתן	מתן
554	3	קורין שמו	קורין לו
"	4	ת"ל יקום	ת"ל כאן יקום
"	19	נעל שלו	נעלו שלו
"	20	מה ת"ל	למה נאמר
"	24	מה להלן וכו'	מה רגלו שנאמרה להלן הימנית אף רגלו שנאמרה כאן הימנית
"	26	הא מה ת"ל	הא מה אני מקיים וירקה וכו'
555	22	לו נעל	לבעל
"	23	מתרתה	מתרת אותה

עמוד	שורה	פינקלשטיין	יפת
545	6	ואם לאו קוברתו	ואם לאו היא קוברתו
"	8	וכתב כל	וכתב לה
"	13	מחובר שצריך	מחובר שהוא צריך
"	15	אמרה	אומרת
"	22	כירה	בירה
"	25	שיאמר א[יני]	שיאמר לה א[יני]
546	4	מביתו:	מביתו זה כמי שמגרש
"	10	למה	למה נאמ'
"	18	מי שחרשה	מה חרשה
"	19		יכול בצבא – חסר
"	21		לא יחבל רחים ורכב למה נאמ' לפי שהוא
			אומ' אם חבל תחבל שלמת רעך שומע אני
			אף הרחים והרכב במשמע ת"ל לא יחבל
			רחים ורכב
			שתיחן
547	1	שניהם	הערת שולים: פי' הו' אלעוד אלדי תחרך
"	6	הפרור	בה אלקדור
"	13	ישתמש	שישתמש
"	17	שנ' השמר וכו'	שנ' פן או השמר או אל או לא הרי הוא
			עובר בלא תעשה
"	18	כאשר	ככל אשר
"	28	בבונות	בבונות
548	3	ימשכנו	ימשכנו
"	9–10	אינו קונה צרקה מנין	אינו קונה צרקה אינו קונה משכון מכאן וכו'
		וכו' המשכן	משכון
"	10	מחצות חשך	מחצות חשך ענן וערפל חשך
"	14	ובל תגזל וכו' בל	ומשום בל תגזל ומשום לא
"	23	ולא בממונך	ולא בממונך והמעלים עיניו מן הצרקה דכת'
			השמר לך פן יהיה דבר עם לבבך בליעל
			לאמר וכת' ביה והיה בך חטא ולא בממונך:
			הרחק
549	9	רחק	שעשיתי
"	11	עשיתי	ושכחת עומר וכו'
"	17	ושכחת עומר וכו'	שיש בו סאתיים ושכחו אינו שכחה וכו'

546 – 21: וכן במ"ת 156. פי' הוא העץ שמערבבין בו תבשיל שבקדירות.

548 – 10: וכן הוא הלשון במ"ת 158. 548 – 23: סנהדרין כ"ז ע"ב ומ"ת 159.

549 – 17: ירושלמי פ"א פ"ו ה"ה וכן במ"ת 160.

עמוד	שורה	פינקלשטיין	יפת
540	13	לפי ש'נאמר]	לפי שהוא אומר
"	20	והם אדום לפי שנ'	והוא אדום שנ'
"	21	או' לו לא וכו'	או' לא וכו'
541	1	ואיזה אדומי ואיזה מצרי	ואיזה הוא אדומי ואיזה הוא מצרי
"	2	כשמתגירין	כשיתגירו
"	14	מעכבת וכו' ה[מחנ]ה:	מעכבתו וכו' החומה
"	18	הרי להסך	כרי שלא להסך
"	22	מגונה	שאינו הגון
542	6-5	מכאן היה	מכאן אמרו היה וכו' נקיות - טהרה מביאה (חסר).
"	8	אליהו ז"ל	אליהו הנביא
"	11	טהרה לירי . . . קדושה	טהרה מביאה לירי . . . קדושה מביאה לירי (וכן לקמן עד שורה 16).
"	17	אליהו ז"ל שנ'	אליהו הנביא ז"ל ת"ל
"	18		לנכרי תשיך זו מצות עשה: ולאחיך לא תשיך זו מצות לא תעשה: ד"א ולאחיך לא תשיך רבן גמליאל אומר
"	21	על שלא	עד שלא
"	22	עד שלוח	על שלוח
543	2-1	וסדר וכו' קרצה בגיר	וסר דאלך לאן סלף אלישאל' מצות עשה ואעטא אלגוי ברבית וכו' סלף בגיר
"	4	כי תרור נדר וכו'	כי תדר נדר אלו נדרים ונדרות שנדר קודם לרגל שיביאם ברגל: כי תרור נדר ולהלן נאמר נדר מה להלן וכו'
"	11	עונות אחרים	עונות אחרות
"	12	וטבעה ספינתו ומת	וטבעה ספינתו בים ומת
"	13	אשר לא תדר	שלא תדר
"	20	זהו נדר	יהוא נדר
544	1	[או אינו]	לפי שנאמר לא תגול
"	7	כך נפשו	כן נפשו
"	10	פלה אז	פלה אן
"	12		בראלך - חסר
"	16	פרט לאחרים ולגבוה	פרט לאחרים ופרט לגבוה
"	19	הללו	אלו
"	24-22		כל מה שהושלם בסוגרים מצוי.

עמוד שורה	פינקלשטיין	יפת
		חצי לוג מיין זה בבת אחת: ורגמוהו כל אנשי עירו וכי כל אנשי עירו רוגמין אותו והלא כבר נאמ' יד העדים תהיה בו אלא במעמד כל אנשי עירו: עונש שמענו אזהרה לא שמענו ת"ל לא תאכלו על הדם לא תאכלו אכילה המביאה לידי שפיכות דמים זו היא אכילת בן סורר ומורה: ומכאן אמרו בן סורר ומורה נידון על שם סופו: וכל ישראל ישמעו ויראו מלמד שצריך הכרזה: לא יבא ממזר בקהל יי' אחד זכרים ואחד נקיבות במשמע מה ת"ל לא לא לפסול: ד"א לא ללמך הלוך לו אחר פסולו: אמר ר' אבהוא מאי ממזר מום זר: ושרה ממזר פאסר
538	14-13	לא יבא
"	16-15	ד"א לו ללמך וכו'
"	17	אלנסב והכדי יסמו אלביצה וכו'
"	18	משיב יחידים ביתה וכו' מושיב . . .
"	19	מביאן ומזוגן זה לזה: וכו' אבל בא הוא חסר.
539	6-5	והוליד ממנה ולד הרי הולד וכו'
"	10-8	אבל חכמים עשו מעלה יתירה בייחוסין ואסרו כל הספיקות: לא יבא עמוני ומואבי הסמיכן ללא יבא ממזר לפי שהן עיקר הממורות: לא יבא עמוני ומואבי בזכרים הכת' מדבר ת"ל על אשר לא קדמו וכו'. המן והשלו היו יורדין להם כל ארבעים וכו' מקדימין אותו לעצה שיעץ את הקרובים . . . את הרחוקים שפתו מצויה של ערו דכת' ויאמר לו ושגנתה נחרבה וכו' ולא נהרג שהיה מחשב
"	17	המן והשלו וכו'
"	18	מקדימין לו
"	19	לעצה . . .
"	22	קרובים . . . רחוקים
540	1	שפתו היתה מצויה
"	2	של ערו . . .
"	5	שגנתו
"	6	נחרבה וכו' ולא נטרר
"	9	שהיה [חושב]

עמוד	שורה	פינקלשטיין	יפת
535	17	נוהגת בהן וכו' אנדרגינס	נוהגת בה וכו' אנדרגינס
"	18	ונתערבו מתחלה	ונתערבו מבתחלה
536	2	מנ' אתה או' שאין ראייה	מנ' אתה או' שאין אדם רשאי ליתן את נכסיו לבניו בחייו עד שעה שהוא מת אע"פ שאין ראייה
537	12	[סו]פו להיות	מי גרם לו להיות
538	3	משניכר העובר ראוי	ומשיוכר העבר ראוי לקרותו אב: עלי מא לקרותו אב: סורר שסרר קאל רבי' כל ימיו של בן סורר ומורה אינן שני פעמים
"	11	אמר . . .	אמר ר' יונתן אני ראיתיך וישבתי על תלה: ותפשו בו אביו ואמו ולא גרמין: והוציאו אותו ולא חגרינן: ואמרו ולא אלמין: בנו זה ולא סומין: איננו שמע בקולנו ולא חרשין: ואמרו אל זקני בנו זה הוא שלקה בפניכם מלמד שאינו נסקל עד שיהיו שם שלשה הראשונים שנלקה בפניהם: איננו שמיע בקלינו מיכאן אמרו אכל בחבורת מצוה אכל מעשר שני בירושלים אכל נבילות וטריפות אינו נעשה בן סורר ומורה שני איננו שמיע בקולנו ולא בקולו שלמקום: זולל וסבא זולל בבשר וסבא ביין שני אל תהי בסובאי יין: ואינו חייב סקילה עד שיגנוב משל אביו ויקנה בשר בזול ויין בזול ויאכל אותן חוץ לרשות אביו בחבורה שכולה ריקנין וישתה יין מזוג ואינו מזוג כדרך שהגרגרנין עושין והוא שיאכל משקל חמשים דינר מבשר זה במלוגמא אחת וישתה

536-2: הנוסח המלא במ"ת וכבר השלימו פ. בהערה. 537-12: וכן הלשון במ"ת 130.

538-3: סנהדרין ס"ט ע"א. הרמב"ם הלכות ממרים פ"ז ה"ז. 538-13: לשון המשנה

סנהדרין ח' ד'. תלמוד סנהדרין ע"א ע"ב. התוספת: שם ע"ע-ע"א, מ"ת 131.

י' בידי אין לשון יסגרך אלא צרעת שנ' והסגירו הכהן וכו' באותה שעה שלח עליו אבן ראשונה והעבירה קלינפתו ברחוק מאה אמה: והשניה הכתהו במצחו ויצאת מערפו ונפל כידונו: והשלישית הכתהו על לבו ונפל במחנה כנבלה 30 ורץ דוד ונטל חרבו ממנו וחתך ראשו: ר' שמעון אומ' הרי הוא אומר כי תצא למלחמה על אייבך ונתנם י' אלהיך לא נאמ' אלא ונתנו רמז לדוד הצדיק שעתיד גלית ליפול בידו: ויושבי בנוב כבר הוא מפורש בפרש' ויהיו חיי שרה: וכן שאר אחיו נפלו בידו שנ' את ארבעת אלה ילדו להרפה בנת ויפלו ביד דוד וביד עבריו: כת' הרפה וכת' ערפה: ערפה שהכל עורפין אותה מאחור: 35 הרפה שהכל דשין אותה כריפות: ושובך שר צבא הדר עזר שנ' ואת שובך שר צבאו הכהו וימת שם: כת' שובך וכת' שופך רב ושמואל חד אמ' שופך שמו ולמה נקרא שמו שובך כשובך: וחד אמ' שובך שמו ולמה נקרא שמו שופך שכל הרואה אותו נשפך כקיתון: וחמשה מישראל שאול ובנו אחיתופל ושבע בן בכרי ושמע' בן גרא: כי תצא למלחמה במלחמת הרשות הכת' מדבר: 40 ולמה נקרא לפי שהוא אומ' רק הנשים והטף והבה' תבו לך אבל לא שמענו שאתה רשאי לקיים מהן אישות וכו'.

עמוד	שורה	נוסח פינקלשטיין	נוסח יפת
533	2	ואת רשאי לקיים מהם	ואתה רשאי לקיים מהן
"	4-5	את רשאי לשבותן וכו'	אתה רשאי לשבותם ואם לאו אין אתה רשאי לשבותם
"	14	בבגדים נזה	בבגדיה נזה
534	2	בגדים ננים וכו' שהגויים	בגדים נאים וכו' שהגויים ארורים הם בנותיהם
"	3	בשביל להזנות אחרים	בשביל לזנות אחרים עמהם
"	4	בבית שתשמש וכו' נתקל בה ויוצא	בבית שתשמש וכו' ונתקל בה ויוצא
"	7	וכו הו' או'	וכן הו' או'
"	12	מברך שהחינו ולאחר	מברך שהחינו שנ' ואני לא נקראתי לבוא אל המלך זה שלשים יום. ולאחר
"	15	ואחר כך	ואחר כן
"	17	קבלה עליה מטבילה	קבלה עליה להתגייר מטבילה
"	20	רצת	רצתה
535	5	לאחר כל המעשים תל'	אחר כל המעשים הללו תל'
"	7	אך ענוי	אף ענוי

ש' 33: סוטה מ"ב ע"ב. ש' 39-41: וכן הוא הלשון במדרש תנאים עמ' 127.

עמ' 534 (פ) 2: וכן הוא הנוסח במ"ת 127.

מתי יזכה המדרש לראות אור בשלימותו אמרתי בלבי: מוטב יהיה לפרסם השואות ומילואים לקטעים שנדרשו ממדרש זה ואם גם במאוחר. על ידי כך יתוקנו כל הפגמים והלקויים שבכ"י פינקלשטיין, ובשביל חובבי המדרש וחוקריו יהיו הרברים בחינת "דברי תורה יהיו בכל יום בעיניך כחדשים". לא הארכת בהערות והשואות מקורות כיון שהחומר שבירי הוא במצב של פסוקים וקטעים ולא פרשה שלימה אחת.

פרשת כי תצא

כי תצא למלחמה תנו רבנן עשרה איבים היו לו לדוד חמשה מאומות העולם וחמשה מישראל: חמשה מאומות העולם גלית ושלשת אחיו והם יושבי בנוב וספ רעל ובעל אצבעות ושובך שר צבא הדר עזר: מאי גלית אמ' ר' יוחנן שעמד בגלוי פנים כנגד מעלה שנ' בחרו לכם איש זה הקב"ה שנ' יי' איש מלחמה: אמ' הקב"ה הריני מפילו ביד בן איש שנ' ודוד בן איש אפרתי הזה וכו' ויגש הפלשתי השכם והערב אמ' ר' יוחנן כדי לבטלם מקרית שמע שחרית וערבית: ויתצב ארבעים יום אמ' ר' יוחנן כנגד ארבעים יום שניתנה בהן התורה: ויצא איש הבינים מאי איש הבינים אמ' רב שמבונה מכל מום: ושמואל אמ' בינוני שבאחיו: דבי ר' שילא אמרי שעשוי כבנין: כיון שראה אותו דוד שהוא מחרף כל כך בא ונשתטח לפני הארון ואמ' לפניו רבונו שלעולם למה יי' תעמוד ברחוק והרשע הזה מבזה לארון ולועג במשיחך ובעמך ישראל ואתה מעלים ממנו רבונו שלעולם למה תעלים לעתות בצרה: באותה שעה נתן הקב"ה עצה בלבו של דוד וענה ואמר מה יעשה לאיש אשר יכה את הפלשתי הלז והסיר חרפה מעל ישראל: וכששמע שאול קרא לו והלבישו מדיו ועמדו עד עקיבו של דוד וכשרכב על הפרדה היתה מהלכת בו ארבע טייסות ושאל לא היתה מהלפת בו אלא שלוש טייסות וראה שאול ונתקנא בו אמ' ודאי זה נוטל המלכות: ודוד כשהיה רוכב על הפרדה ומהלך שמע קול שלשה אבנים שהן אומרות באיזה צד בן ישי מהלך שאלו יודע בנו היה נוטלינו ואנו עושין לו מלחמה: כיון ששמע כך ירד מעל מרכבתו והסיר כל הלבוש שעליו וקרב לצד שהיו בו 20 אותן האבנים ונטלן שנ' ויקח לו שלשה חלוקי אבנים והיתה אחת אומרת אני אבן של אברהם אם ישלחני דוד אני מעברת קלינפתו של פלשתי מעל ראשו: והשניה אומרת אני אבן של יצחק אם ישלחני דוד אני מכה מצחו של פלשתי ועוברת במוחו ויוצאה מערפו: והשלישית אומרת אני אבן של יעקב אם ישלחני דוד אני מכה הפלשתי על לבו ומפלת נבלתו לעיני כל ישראל: באותה שעה קרב אצל הפלשתי ומקלו בידו ואמ' לפני הקב"ה רבונו של עולם תן לי אות 25 שאדע שאני נוצחו מיד נשא עיניו וראה שזרחה בו צרעת שנ' היום הזה יסגרך

ש' 3-9: סוטה מ"ב ע"ב. ש' 4: כנגד מעלה. לשון התלמוד "לפני הקב"ה". בחרו לכם - לשון המקרא הוא "ברו" ופירש רש"י ברו - בחרו.

מלואים לקטע ממדרש אלמוני על דברים

מאת

יהודה רצהבי, תל-אביב

לפני כשתים עשרה שנה פרסם החוקר לואיס פינקלשטיין¹² דפים ממדרש תימני אלמוני על פרשת „כי תצא“ מתוך צילום שקיבל מידי פרופ. דויד מגיד. הקטע נחפרסם ב־ *Hebrew Union College Annual*, Vol. 1937-8, pp. 523-557 בשם: „Fragment of an Unknown Midrash on Deuteronomy“. החוקר השכיל לעמוד על מקורותיו של המדרש ועל היחס בינו ובין מדרשי־תימן הידועים האחרים: מדרש הגדול, מדרש נור אלטלאם ומדרש החפץ. עוד בשעת הופעת המאמר הצלחתי לזהות את המדרש האלמוני ואף הודעתי על כך לחוקר פינקלשטיין. מתגלה שהקטעים שנתפרסמו אינם אלא חלק מ־„מדרש הביאור“ לר' סעדיה בן דוד (כך מציין המחבר את שם חיבורו ואת שמו בסוף כל ספר מחמשה חומשי תורה) הנמצא בשלימות בידי סעדיה יפת. בכ"י זה חסרה הקדמת הספר ברובה, ומסופה שנותר אין לקבוע מתי נתחבר מדרש זה. אולם לפי ידיעות שבידינו אפשר לקבוע בקירוב את תקופת חיבורו: מדרש זה נזכר בכלל מדרשי־תימן בהקדמתו של דוד אללואני למדרש „אלוגיו אלמגני“ (הקצר המספיק) שהתחיל לחברו בכ"ג מרחשון 1484, כפי שהוא מציין זאת במפורש בהקדמה במלים: ומדרש הביאור לסעיד אבן דאוד אלדמארי. אחד ממקורותיו המאוחרים של מדרש הביאור הוא „נור אלטלאם“ לר' נתנאל בן ישע שנתחבר ב־1328. לפי שני תאריכים אלה אפשר לקבוע את תקופת חיבורו של מדרש הביאור בין מחצית־השנייה של המאה הי"ד ומחציתה הראשונה של המאה הט"ו.

הקטעים שנתפרסמו ע"י פינקלשטיין מהווים כמעט את כל פרשת כי תצא בחסרונות קלים של ראשית הפרשה וסופה ושל שמונה עמודים באמצעיתה (עייין מאמר פינקלשטיין עמ' 538 הערה 11. בעמ' 542 שורה 19 חסר עמוד אחד. בכה"י שלפני כל עמוד מונה 10 שורות. בכל שורה 11 תיבות). בשעתו לא הורשיתי להשתמש בכה"י אולם עתה הצלחתי לערוך השוואה מלאה ומתוקנת בין הקטעים שנרפסו לבין כה"י ואף להשלים את החסר בכמה מקומות, להוציא את שמונת העמודים החסרים באמצע, שבזמן החטוף שהועמד כה"י לרשותי לא היתה בידי שהות להעתיקם, ומאידך מהווים הם מאמר לעצמו מבחינת הכמות.

כה"י שברשות סעדיה יפת הוא לפי שעה כה"י היחיד ממדרש הביאור הידוע לי. מאחר שהספר נמצא בידים פרטיות בתנאי שמירה רגילים ומאחר שאיני יודע

INDEX TO THE
HEBREW UNION COLLEGE ANNUALS

VOLUMES I TO XXIV

ABRAHAMS, ISRAEL

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BAUMGARTNER, WALTER

Zur Mandäerfrage (XXIII, Part One — 1950-1951).

INDEX

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INDEX

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INDEX

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(XII-XIII — 1937-38).

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(XI — 1936).

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taries (XI — 1936).

INDEX

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Grammatical Elements and Terminology in Rashi (XIV — 1939).
Rabbenu Jacob ben Meir Tam as Grammarian (XV — 1940).
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INDEX

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The First Printed Picture of a Jew (XXIII, Part Two — 1950-1951).

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INDEX

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